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ANNUAL REPORT OF THE

NORTH DAKOTA JUDICIAL SYSTEM

Calendar Year 1984

State of North Dakota

OFFICE OF STATE COURT ADMINISTRATOR

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TO THE HONORABLE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL COUNCIL:

Once again, I am pleased to submit to you the Annual Report of the North Dakota judicial system. This report highlights the activities of the North Dakota judicial system during calendar year 1984. It provides statistical information on our courts and reports on other developments and activities which are shaping our judicial system. It should prove valuable as a reference source for anyone wishing to learn about the operation of the judicial system in North Dakota.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks go to the staff of the State Court Administrator's Office for their diligent work in compiling the statistics and designing the format for this work.

Respectfully submitted,

William G. Bohn

WILLIAM G. BOHN
State Court Administrator and
Judicial Council Executive
Secretary

WGB/ms

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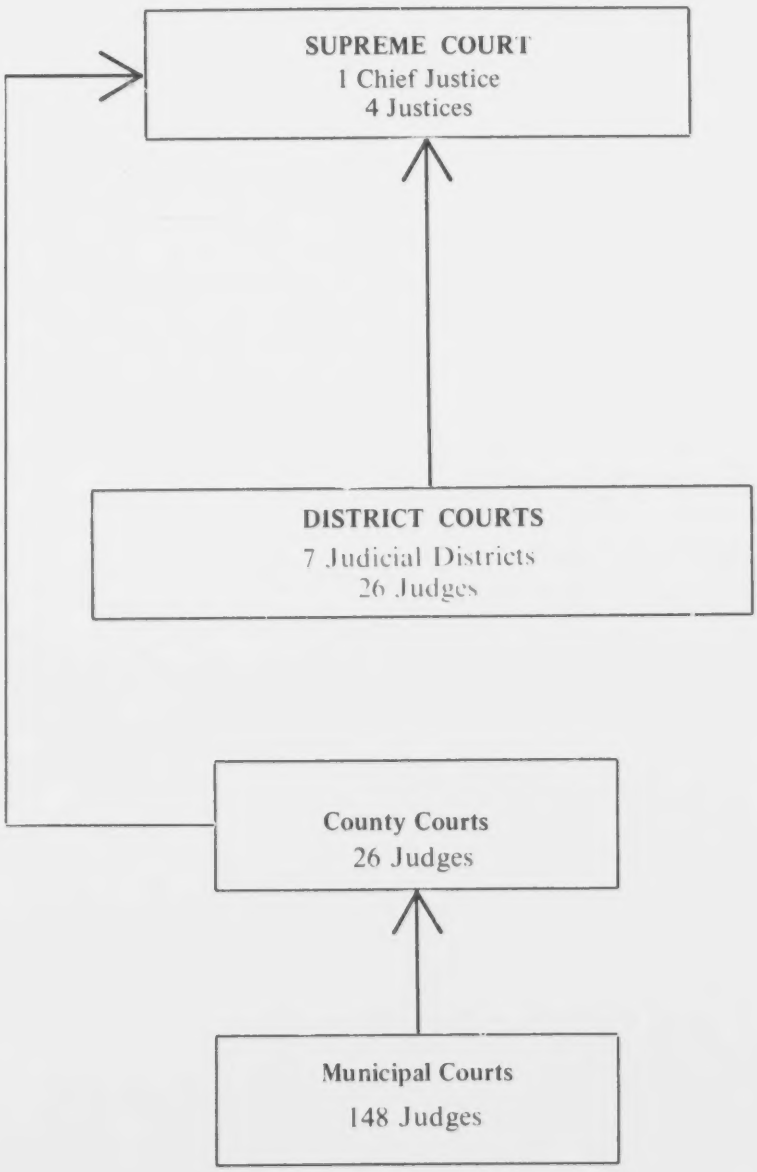
On the Cover:

Beginning in 1984, the North Dakota Judicial System saw the development of an Employee Recognition Program which was initially developed in the South Central Judicial District.

The cover depicts the artist's design of the pin which recognizes employee service.

The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the State of North Dakota created a judicial system consisting of the supreme court, district courts, justice of the peace courts, and such municipal courts as provided by the legislature. This judicial structure remained intact until 1959 when the Legislature abolished the justice of peace courts in the state.

The adoption of a revamped judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a supreme court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the supreme court and the district courts have retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislature further altered the structure of the judicial system by enacting legislation which replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the new county court system in place, the judicial system of the state consists of the supreme court, district courts, county courts, and municipal courts. Figure 1 provides a diagram of the present court structure of the North Dakota Judicial System.

Administrative Authority

In addition to these structural changes, the new judicial article clarified the administrative responsibilities of the supreme court by designating the Chief Justice as the administrative head of the judicial system and by granting the Chief Justice the authority to assign judges for temporary duty in any nonfederal court in the state. It also acknowledged the supreme court's rulemaking authority in such areas as court procedure and attorney supervision. A diagram of the administrative structure of the North Dakota judicial system is presented in Figure 8.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the supreme court are elected for ten-year terms; district court judges for six-year terms, and all other judges for four-year terms.

Vacancies in the supreme court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves only until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

Vacancies in the various county courts are filled by the board of county commissioners of the county where the vacancy occurs or by a special election called by the board of county commissioners. If the county commissioners choose to fill the vacancy by appointment, they must select from a list of nominees submitted by the Judicial Nominating Committee.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only supreme court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the supreme court upon the recommendation of the Judicial Qualifications Commission. Other methods for the retirement, removal and discipline of judges can be established by the legislature.

Caseload Overview

The table below shows a decline of almost 10,000 cases from 1983 to 1984. These figures should be viewed with caution. The decrease can be attributed almost exclusively to fewer non-criminal traffic filings. County courts showed a 5,500 drop in administrative traffic filings and municipal courts showed a 4,000 drop. The volume of these figures hide the steadily increasing workload in other areas such as civil filings where there was a 10% increase in county courts and an 11% increase in district courts.

CASELOAD OVERVIEW OF NORTH DAKOTA COURTS FOR 1983 AND 1984

Level of Court	Filings 1984	Filings 1983	Dispositions 1984	Dispositions 1983	Pending at Year's End 1984	Pending at Year's End 1983
* Supreme Court	370	310	331	304	197	158
** District Courts	16,396	16,062	15,978	15,993	6,926	6,508
*** County Courts	96,876	100,583	97,868	100,037	18,295	19,276
**** Municipal Courts	49,987	55,371	49,987	55,371	0	0
TOTAL	**163,629**	**172,326**	**164,164**	**171,705**	**25,418**	**25,942**

* *Figures from page 7*
** *Figures taken from page 10*
*** *Figures taken from page 25*
**** *Figures taken from page 27*

Supreme Court of North Dakota

Left to right: Justice H.F. Gierke III; Justice Vernon R. Pederson; Chief Justice Ralph J. Erickstad; Justice Paul M. Sand; and Justice Gerald W. VandeWalle.

The North Dakota Supreme Court has five justices. Each justice is elected for a ten-year term in a nonpartisan election. The terms of the justices are staggered so that only one judgeship is scheduled for election every two years. Each justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the supreme court is selected as chief justice by the justices of the supreme court and the district court judges. The chief justice's term is for five years or until his elected term on the court expires. The chief justice's duties include presiding over supreme court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the supreme court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts and the county courts. All appeals from these courts must be accepted for review by the court. In addition, the court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a quorum, composed of a majority of the justices, is necessary before the court can conduct its judicial business. It also stipulates that the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court decides an appeal, it is required to issue a written opinion stating the rationale for its decision. Any justice disagreeing with the majority decision may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the supreme court has major responsibilities for ensuring the efficient and effective operation of all nonfederal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. Its supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Qualifications Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through four advisory committees-the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee and the Court Services Administration Committee. Other committees, such as the Judicial Planning Committee and the Special Committee on Judicial Training, also provide valuable assistance to the supreme court in important administrative areas.

Administrative personnel of the supreme court also play a vital role in helping the court fulfill its administrative functions. The clerk of the supreme court supervises the calendaring and assignment of cases, oversees the distribution and publication of supreme court opinions and administrative rules and orders, and decides certain procedural motions filed with the court. The state court administrator assists the court in the preparation of the judicial budget, prepares statistical reports on the workload of the state's courts, provides for judicial educational services, and performs such other administrative duties that are assigned to him by the supreme court. The state law librarian supervises the operation of the state law library and serves as bailiff of the court when the court is in session.

Supreme Court Caseload for Calendar Year 1984

Luella Dunn, Clerk of the Supreme Court

In 1984 the Supreme Court of the State of North Dakota struggled under the heaviest caseload in the history of the Court. New filings exceeded those filed in 1983 by 19.4%. Even though dispositions increased 8.9%, the Court could not keep pace with the increased filings so the number of cases pending at the end of the calendar year increased 24.7% over 1983. By the end of the year the total cases docketed, that is, new filings plus the cases carried over from calendar year 1983, totaled an all-time high of 528 cases, or an increase over 1983 figures of 14.3%.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1983 AND 1984 CALENDAR YEARS

	1984	1983	Percent Difference
New Filings	**370**	**310**	**19.4**
Civil	277	235	17.9
Criminal	93	75	24.0
Filings Carried over from Previous Calendar Year	**158**	**152**	**3.9**
Civil	122	118	3.4
Criminal	36	34	5.9
Total Cases Docketed	**528**	**462**	**14.3**
Civil	399	353	13.0
Criminal	129	109	18.3
Dispositions	**331**	**304**	**8.9**
Civil	243	231	5.2
Criminal	88	73	20.5
Cases Pending as of December 31	**197**	**158**	**24.7**
Civil	156	122	27.9
Criminal	41	36	13.9

The Court disposed of 331 cases in 1984, 243 were civil cases and 88 were criminal.

The North Dakota Constitution, Article VI, Section 5, provides that the Supreme Court must file decisions in all cases stating in writing the reasons for the disposition. A total of 219 written opinions was rendered by the Court disposing of 247 cases. In addition 48 dissenting or concurring opinions were filed.

The trial courts were affirmed by opinions in 97 civil appeals and 45 criminal. Opinions on reversals or reversals with remand or modification were entered in 42 civil cases and 14 criminal cases. Opinions which vacated trial court judgments were filed in six civil and three criminal cases. The Court rendered decisions in five cases wherein questions of law had been certified to the Supreme Court. Nine civil appeals and two criminal appeals were dismissed by Supreme Court opinion.

The Court filed one opinioin ordering discipline of an attorney and filed two orders imposing discipline. Three opinions denied original jurisdiction and orders denying such jurisdiction were entered in seven cases.

DISPOSITIONS — 1984

	Civil	Criminal
BY OPINION:		
Affirmed; Modified and Affirmed	97	45
Reversed; Reversed an Remanded; Reversed and Modified	42	14
Affirmed in Part and Reversed in Part	14	
Judgment Vacated and Remanded	6	3
Remanded	2	1
Certified Questions of Law	3	2
Dismissed	9	2
Appeal Stayed	1	
Discipline Imposed	1	
Original Jurisdiction Granted	2	
Original Jurisdiction Denied	3	
Dispositions by Opinion	180	67
BY ORDER:		
Dismissed	54	17
Discipline Imposed	2	
Certified Question		1
Original Jurisdiction Granted		1
Original Jurisdiction Denied	7	2
Dispositions by Order	63	21
Total Dispositions for 1984	243	88

Of the numerous miscellaneous administrative matters considered, the full Court acted on 187 procedural motions, the Admi-

COMPARISON OF THE TIME PRESCRIBED IN THE NORTH DAKOTA RULES OF APPELLATE PROCEDURE FOR PERFECTING AN APPEAL AND THE ACTUAL TIME USED (IN DAYS) 1982-1984

	Prescribed by Rules		Average Actual Time 1982		Average Actual Time 1983		Average Actual Time 1984	
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
From filing Entry of Judgment to filing Notice of Appeal	60	10	43	10	43	12	42	8
From filing Notice of Appeal to filing of Complete Record	50	50	45	53	47	54	52	44
From filing of Complete Record to filing Appellant's Briefs	40	40	46	49	44	53	44	51
From filing Appellant's Briefs to filing Appellee's Briefs	30	30	33	40	32	35	32	36
From At Issue (case ready for calendaring) to Hearing	N/A	N/A	46	46	48	45	48	52
From Hearing to Decision	N/A	N/A	51	45	52	50	49	63

nistrative Judge (Chief Justice or Acting Chief Justice) ruled on 187, and the Clerk under authority granted by the Supreme Court ruled on 268 of these motions.

When the fall term started in September, decisions had been rendered in all cases that had been argued or submitted to the Court. This marked the eleventh year the Court began the fall term with all cases decided.

The average actual time from oral argument until decision by the Court in civil cases was reduced from 52 days in 1983 to 49 days in 1984. But the decision time in criminal cases increased from 50 days in 1983 to 63 days in 1984.

The justices spent 78 days in court hearing arguments in 274 cases during 1984.

On December 8, 1984, the Honorable Justice Paul M. Sand died unexpectedly. He had served on the Supreme Court for almost 10 years.

District Courts

There is a district court in each of the state's fifty-three counties. They have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal felony cases and have concurrent original jurisdiction with the county courts in all criminal misdemeanor cases.

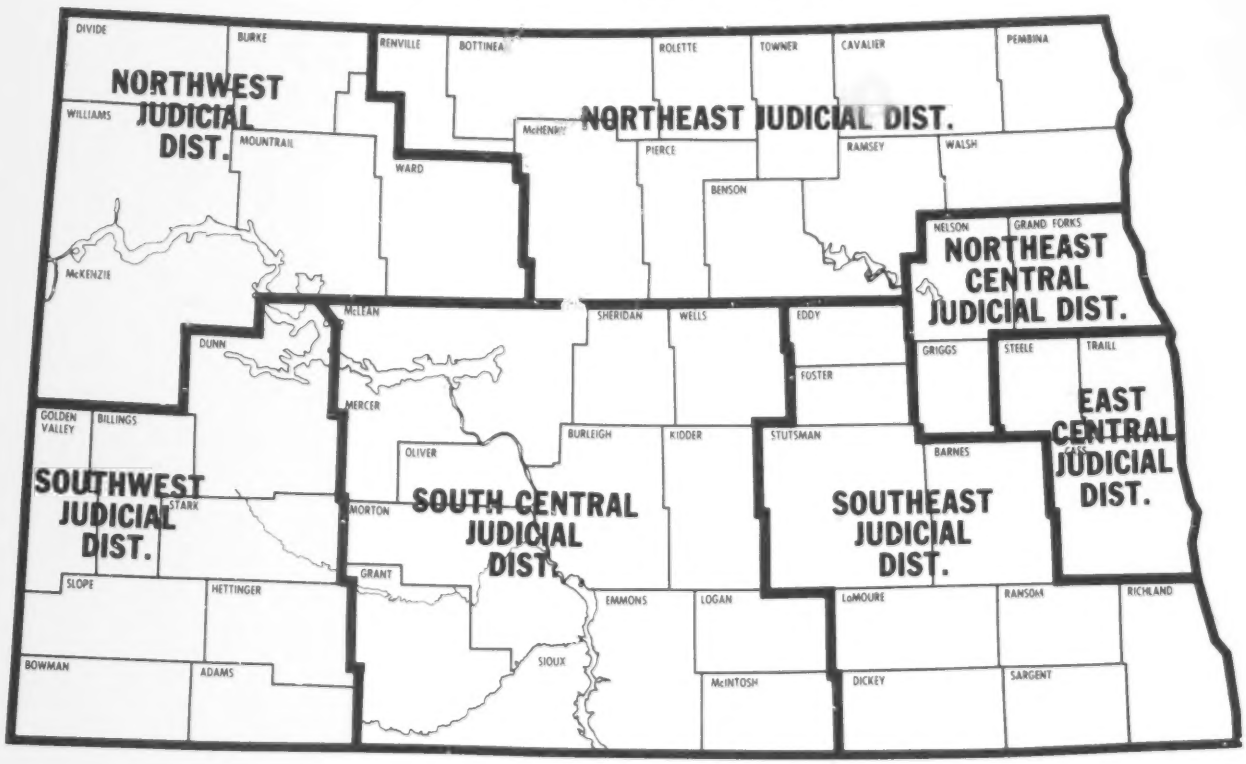
The district courts also serve as the juvenile courts in the state. Under Chapter 27-20, NDCC, which enacted the Uniform Juvenile Court Act, the juvenile court has exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction was expanded in 1981 when the Legislature adopted legislation granting the juvenile court jurisdiction over all cases where a female minor is seeking judicial authorization to obtain an abortion without parental consent. District court judges serve as the designated judges of juvenile court. They may appoint juvenile supervisors, referees, probation officers, and other support personnel to assist them in their juvenile court functions.

In addition, the district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, they do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency under review.

In 1979 the supreme court divided the state into seven judicial districts. In each judicial district there is a presiding judge who acts as the chief judicial administrator for the district. All presiding judges are appointed by the chief justice with the approval of the supreme court. The duties of the presiding judge, as established by the supreme court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge.

With the addition of two new judgeships in 1981, there are now twenty-six district judges in the state. The South Central Judicial District and the Northwest Judicial District each have five judges, the East Central Judicial District has four judges, and each of the remaining four judicial districts has three district judges. All district court judges are required by the state constitution to be licensed North Dakota attorneys, and citizens of the United States and North Dakota.

NORTH DAKOTA JUDICIAL DISTRICTS



District Court Caseload

The district court caseload has three major components: 1) civil; 2) criminal; and 3) juvenile. Of these components, the civil component is by far the largest. Nearly 84 percent of all cases filed in the district courts in 1984 were civil cases. The remaining caseload was equally split between criminal cases (8%) and formal juvenile cases (8%). A more complete breakdown of the various types of cases filed in the district courts is provided below. This breakdown is very similar to the breakdown for every year since 1980.

TYPES OF CASES FILED IN THE DISTRICT COURT DURING 1984

CONTRACT and COLLECTIONS (4,062) 24.8%
DOMESTIC RELATIONS (6,778) 41.3%
CRIMINAL CASES (1,335) 8.1%
JUVENILE CASES (1,327) 8.1%
PROPERTY RELATED (998) 6.1%
OTHER CIVIL (1,896) 11.6%

Within the civil caseload component, domestic relations cases are the most abundant. In 1984 they constituted approximately 49 percent of all civil filings. The most numerous types of domestic relations cases filed with the district courts are divorce cases and child support cases. Over 44 percent of domestic relations filings were child support cases and 41 percent were divorce cases. The remaining domestic relations cases included adoption cases (6%), paternity cases (5%), adult abuse (2%), and custody cases (1%).

Contract and collection cases also constituted a large portion of the district courts' civil caseload. Their proportion of the district courts' docket in 1984 was about the same as 1983. They comprised nearly 25 percent of all filings and 32 percent of civil filings in 1984, compared to 26 percent of all filings and 32 percent of all civil filings in 1983.

Of all criminal cases 4% were felony A, 22% felony B, 70% were felony C and 4% were misdemeanors or infractions.

The district court caseload increased slightly from 1983. Moderate decreases in criminal and juvenile filings were offset by a slight increase in the number of civil filings. While most of the district courts' caseloads remained relatively stable, two districts, the Northeast Central and East Central showed increases in filings of 244 cases and 170 cases respectively.

The total number of dispositions decreased by 15 cases in 1984. Even with this slight decrease, the average number of dispositions per judge remained at 615 cases, the same as 1983.

The slight decrease in dispositions coupled with the 2% increase in filings has resulted in an increase from 6508 pending cases in 1983 to 6926 in 1984. The following table summarizes the activities in the district courts.

DISTRICT COURT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**16,396**	**16,062**	**+2.1**
Civil	13,734	13,145	+4.5
Criminal	1,335	1,454	-8.2
Juvenile	1,327	1,463	-9.3
Cases Carried over from Previous Year	**6,508**	**6,439**	**+1.1**
Civil	6,151	6,065	+1.4
Criminal	357	374	-4.5
Juvenile	0	0	0
Total Cases Docketed	**22,904**	**22,501**	**+1.8**
Civil	19,885	19,210	+3.5
Criminal	1,692	1,828	-7.4
Juvenile	1,327	1,463	-9.3
Dispositions	**15,978**	**15,993**	**-.09**
Civil	13,378	13,059	+2.4
Criminal	1,273	1,471	-13.5
Juvenile	1,327	1,463	-9.3
Cases Pending as of December 31	**6,926**	**6,508**	**+6.4**
Civil	6,507	6,151	+5.8
Criminal	419	357	+17.4
Juvenile	0	0	0

1984 figures taken from YTD District and Juvenile Reports.

Civil Caseload

Civil filings increased by 4.5% in 1984. This continues the rather steady trend of rising civil filings over the last years. Every judicial district, with the exception of the Northwest District, showed an increase. This increase took place despite the expanded jurisdiction of county courts. In fact, statewide, county courts showed an increase of nearly 12% in civil cases filed.

Domestic relations cases continue to be the largest single category of cases. The number of domestic relation cases filed increased by 6% over 1983. Efforts on the part of the government on both the federal and state to insure that parents are financially responsible for their children has contributed to the 5% increase in child support cases and 7% increase in paternity cases. While there has been a general downward trend in divorce cases in recent years, 1984 showed a 4% increase over 1983. The number of adult abuse cases increased from 144 in 1983 to 156 in 1984, a 37% increase.

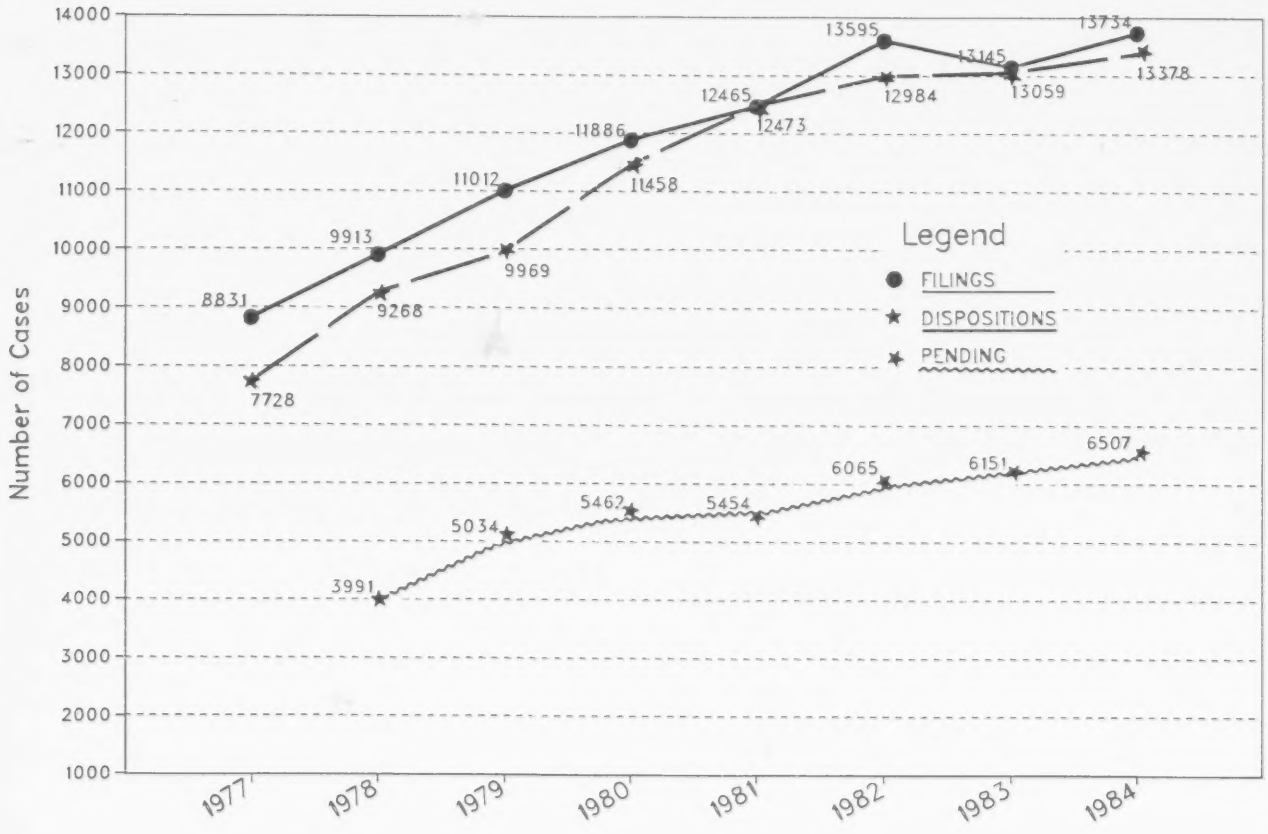
The number of contract and collections cases filed decreased slightly in 1984 as did the number of property related cases. Filings of foreclosure cases, however, increased by 23%, compared to an 111% increase in 1983.

As with civil filings, civil dispositions increased in 1984. Statewide, civil dispositions increased by 2%, with the Northeast Judicial District showing the greatest percentage increase of 8.7%. Of the cases disposed, 22% were by trial. Of those disposed of through trials 2% were by jury and 98% were by court trial. The remaining 78% of the cases are counted as "not contested", which is perhaps a misnomer. These cases often involve a considerable amount of judicial and support staff time in handling filings, motions, briefs, etc. They are, however, disposed of in some method other than trial.

Even though civil dispositions increased in 1984, they were out paced by increased civil filings resulting in a 6% increase of pending cases. Though the workload increased, the district courts continue to process civil cases in a timely manner. Standards adopted by the Supreme Court require that a civil case be disposed of within 24 months of filing and within 90 days of a concluded trial. Certain types of cases such as trust cases and support cases are exempted from these standards because of the continuing nature of the cases. The standard may be waived for a specific case by the presiding judge of the district or by the Chief Justice if a district judge demonstrates good cause for the waiver.

Only 4 percent of the pending civil cases were more than 24 months old at year end. This is the same percentage as at the end of 1983.

ND CIVIL CASELOAD COMPARISON FOR DISTRICT COURT FOR 1977 - 1984



Criminal Caseload

The way in which criminal cases are counted and reported varies from state to state. In North Dakota the criminal case statistics are reported and counted on an individual case basis rather than an individual defendant basis. As a result, if multiple defendants are listed together under one case heading, the matter is counted as one case unless the trial court decides to separate the defendants and try them separately.

Prosecutions of most criminal defendants in North Dakota begin with the filing of a criminal information by the state's attorney. Although indictment by grand jury is permitted, it is rarely used. The preliminary hearings in felony cases are conducted by county court judges. If the defendant is not released after the preliminary hearing, he is bound over to the district court for trial.

Criminal filings decreased by 8 percent and criminal dispositions by nearly 13.5 percent. In viewing the graph below it can be seen that criminal filings and dispositions have been relatively stable over the last 5 years.

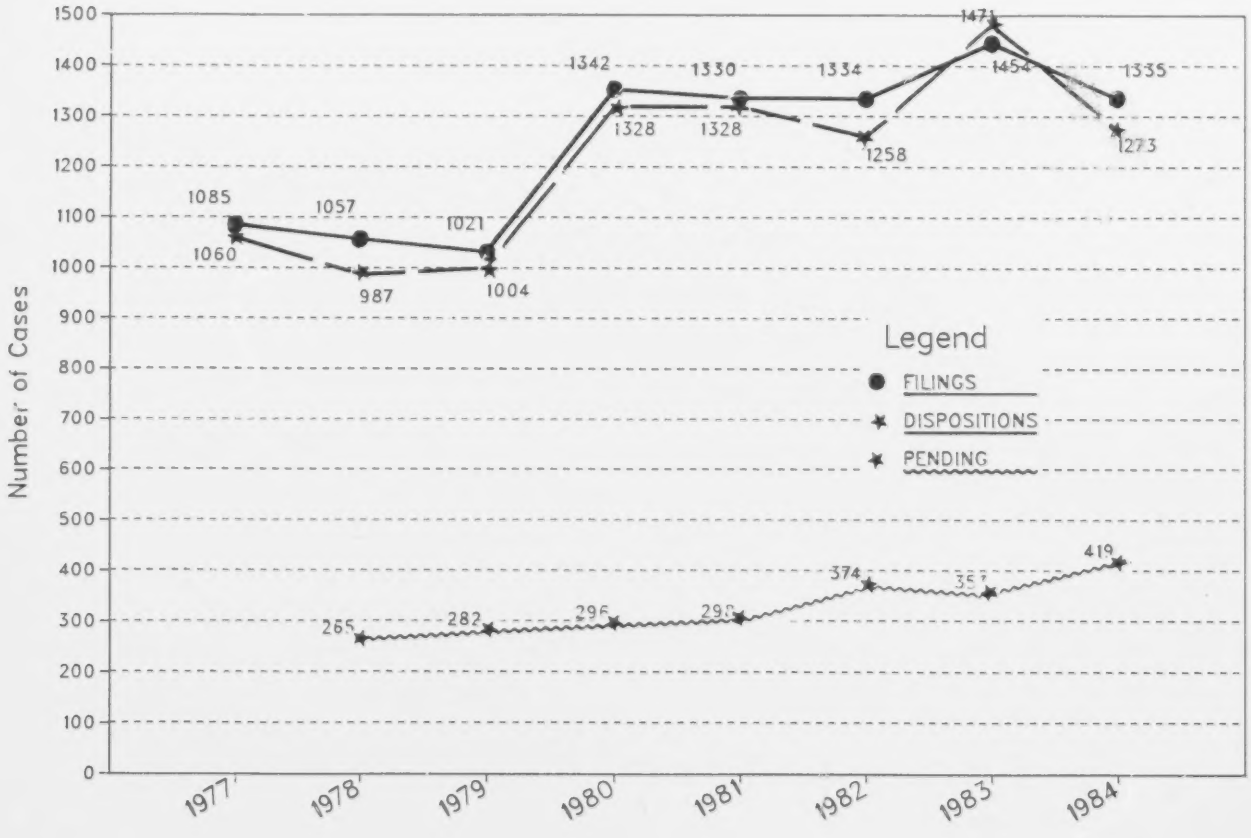
Fluctuations do occur both on a statewide basis, as was seen in 1983, and individual districts from year to year. For example, the Northeast Judicial District had shown a 29% increase in criminal filings in 1983; in 1984 there was 21% decrease in that same district. Other districts which showed decreases included the South Central and the Southwest. Both had shown increases in 1983. The remaining districts all had increased filings in the criminal area.

The percentage of criminal trials disposed of by trial decreased from 26% in 1983 to 21% in 1984. Statewide there were 67 jury trial and 22 court trials in 1984.

As with civil cases, docket currency standards have also been established for criminal cases. These standards stipulate that criminal cases should be decided within 120 days after the filing of the information or indictment in district court. The presiding judge of the district or the chief justice can waive these standards for specific cases if good cause is demonstrated. At the end of 1984 approximately 33 percent of the pending criminal cases failed to meet the 120 day standard set by the docket currency standards. By comparison, 40 percent of the criminal cases pending at the end of calendar year 1983 were older than 120 days and 37 percent of the criminal cases pending at the end of calendar year 1982 were older than 120 days.

The graph below shows the various trends since 1977 for criminal filings, dispositions, and pending cases.

CRIMINAL CASELOAD COMPARISON
FOR DISTRICT COURT FOR 1977 - 1984



Juvenile Caseload

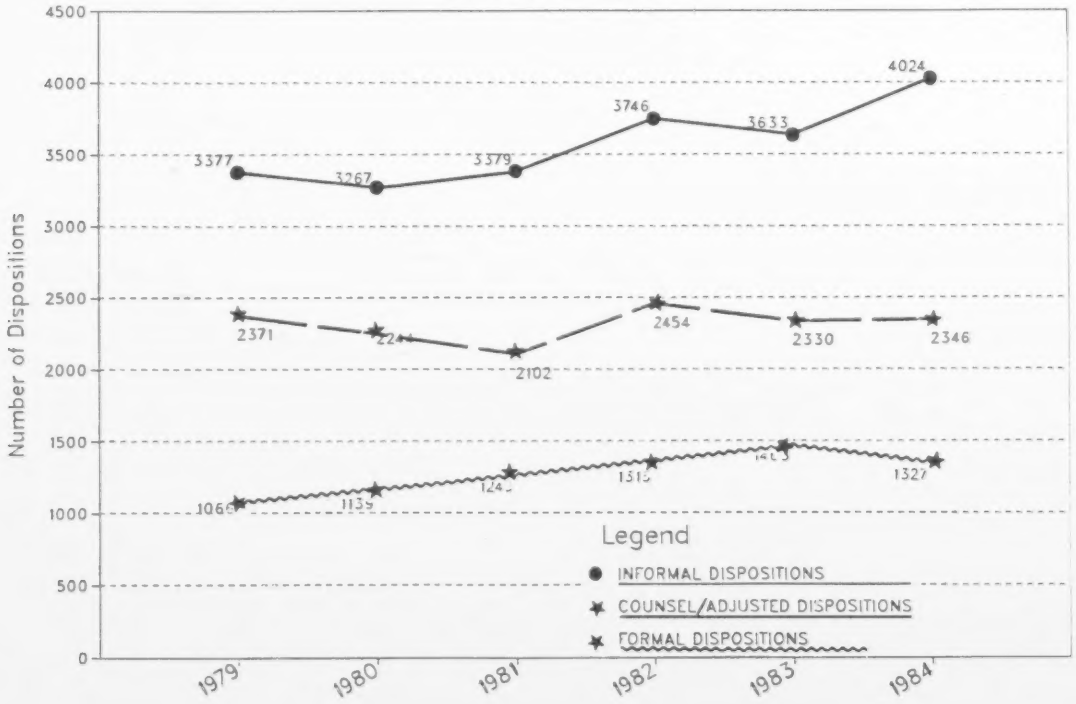
The vast majority of juvenile cases are handled informally. However, before any juvenile case can be adjudicated informally, the juvenile must admit to the charge. If there is no voluntary admission to the offense, the case may be handled formally. With formal action, a petition is filed in the district court and a formal hearing is held within thirty days of the filing of the petition unless the district judge grants a request for an extension. Formal proceedings have priority over informal proceedings.

Of the informal proceedings conducted in 1983, approximately 37 percent were disposed of by counseling the juvenile and adjusting the matter with no term of probation. Thus some type of supervision was provided by the juvenile courts in 63 percent of the informal proceedings.

There has been a general upward trend in the number of cases handled since 1979. The method by which cases are handled vary slightly from year to year but remain in about the same proportions. On the average, formal dispositions account for 15% to 20% of the dispositions, informal adjustments about 50% of the dispositions and counsel adjusted about 30% of the dispositions. Differences in philosophies and staffing patterns between districts result in deviations from these statewide averages. For instance, in 1984 the East Central Judicial District disposed of 28% of its cases formally while the South Central Judicial District disposed of 10% of its cases formally.

The table below compares the reasons for referral to juvenile court in 1983 and 1984. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral. Although misdemeanor thefts continue to be the most prominent criminal violations for referral, the gap between them and felony thefts was narrowed in 1984 as it was in 1983. Overall, the major reasons for referrals in 1984 have changed little from those recorded in 1983.

COMPARISON OF JUVENILE DISPOSITIONS FOR 1979 - 1984



TYPES OF JUVENILE COURT DISPOSITIONS FOR 1983 AND 1984

Judicial District	Formal 1984	Formal 1983	Informal 1984	Informal 1983	Counsel Adjusted 1984	Counsel Adjusted 1983	Total Dispositions 1984	Total Dispositions 1983	Percent Difference For Total Dispositions
Northwest	175	190	860	904	266	237	1,301	1,331	-2.3
Northeast	204	203	347	459	410	472	961	1,134	-15.3
Northeast Central	188	151	370	410	182	263	740	824	-10.2
East Central	324	354	417	438	422	280	1,163	1,072	+8.5
Southeast	185	208	485	475	288	279	958	962	0
South Central	211	316	1,400	851	548	595	2,159	1,762	+22.5
Southwest	40	41	145	96	230	204	415	341	+21.7
TOTAL	1,327	1,463	4,024	3,633	2,346	2,330	7,697	7,426	+3.6

REASON FOR REFERRAL TO JUVENILE COURT SERVICES IN 1983 AND 1984

	1984	1983	Percent Difference
UNRULY	**990**	**975**	**ø**
Runaway-Instate	313	272	+15.1
Runaway-out-of-state	32	28	+14.3
Truancy	146	153	-4.6
Ungovernable Behavior	312	301	+3.7
Conduct Control Violation	29	52	-44.2
Curfew Violation	111	105	+5.7
Other	47	64	-26.6
DELINQUENCY	**3,777**	**3,542***	**+6.6**
Offense Against Person	196	165	+18.8
Assault	90	85	+5.9
Homicide	0	0	0
Kidnapping	0	2	
Sex Offense	71	48	+47.9
Other	35	30	+16.7
Offense Against Property	**2,550**	**2,324**	**+9.7**
Arson	22	8	+175
Burglary	209	202	+3.5
Criminal Mischief	403	402	+.00248
Criminal Trespass	122	83	+47
Forgery	53	32	+65.6
Robbery	1	9	-88.9
Theft-Misdemeanor	999	766	+30.4
Theft-Felony	551	608	-9.4
Unauthorized Use of Vehicle	87	114	-23.7
Other	103	100	+.03
Traffic Offenses	**502**	**503**	**-.01**
Driving w/o license	419	410	+2.2
Negligent Homicide	1	3	-66.7
Other	82	90	-8.9
Other Offenses	**1,904**	**2,078**	**-8.0**
Disorderly Conduct	177	209	-15.3
Firearms	33	43	-23.3
Game & Fish Violation	83	65	+27.7
Obstruction of Law	13	17	-23.5
Possession or Purchase of Alcohol Beverage	1,375	1,528	-10
Controlled Substance Violation	100	122	-18
Other	123	94	+30.9
DEPRIVATION	**1,265**	**1,050**	**+20.5**
Abandoned	6	8	-25
Abuse/Neglect	794	538	+47.6
Deprived	446	472	-5.5
Other	19	32	-40.6
SPECIAL PROCEEDINGS	**132**	**167**	**-21**
Involuntary Termination of Parental Rights	3	10	-70
Voluntary Termination of Parental Rights	84	120	-30
Other	45	37	+21.6
TOTAL	**7,539**	**7,262**	**+3.8**

**Correction*

Report of the Northwest Judicial District

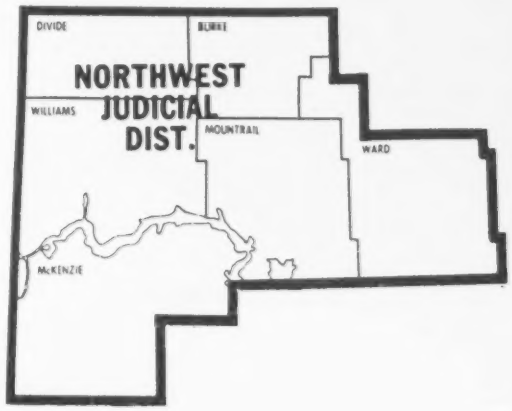
The Honorable Wallace D. Berning, Presiding Judge

District Court Judges: Wallace D. Berning, Presiding Judge; Jon R. Kerian; Everett Nels Olson; William M. Beede; and Bert L. Wilson.

County Court Judges: Gary A. Holum; Gordon C. Thompson; Ralph W. Bekken; and William W. McLees, Jr.

Number of Counties in District: 6

District Court Chambers: Minot and Williston



Court Administration

The assignment of cases throughout the district continues as it has in the past. District Judges Beede and Wilson have primary responsibility for litigation in Williams, Divide, and McKenzie Counties. District Judges Berning, Olson, and Kerian have primary responsibility for cases in Burke, Mountrail, and Ward Counties. In Ward County Court, Judge Gary A. Holum has appointed Attorney Mark Flagstad as a referee to handle Small Claims litigation.

The availability of only one district courtroom with jury trial capabilities continues to inhibit optimum scheduling in Minot. The three judges in Minot have formulated a plan which provides that on a rotating basis one of the three judges will use the courtroom for three consecutive months. Complementing this, the federal courtroom has from time to time been utilized for the scheduling of jury trials. This arrangement seems to be effective.

William Blore, a Juvenile Supervisor for Ward County, has been appointed referee to assist in handling the numerous child support cases. Regarding child support matters, it is significant to note that the Clerks in the Northwest Judicial District have received and processed child support payments in an amount in excess of $3,300,000.00. When one considers that these payments are paid in small monthly amounts, the immense volume of this activity is significant. The Clerk of District Court in Ward County reports that there has been a 298% increase in child support payments from 1975 through 1984.

Facilities

Ward County has commenced operation of its $3,200,000.00 jail which is undoubtedly one of the best in the State of North Dakota. McKenzie County has constructed a jail facility which meets the Class I criteria of the Attorney General at a cost of approximately $400,000.00. The Williams County Jail has undergone extensive remodeling with the addition of a multi-purpose exercise-educational area.

The County Commissioners of Ward County have embarked on a renovation project for the district courtroom in the Ward County Courthouse. Air conditioning and new windows have been installed.

Juvenile Court

In Williams County during the year 1984, the juvenile office has collected and paid to victims a total of $9,020.00 in restitution. During the same period, the Ward County juvenile staff collected a total of $9,020.00 in restitution.

The Williams County juvenile staff continues to work with community agencies on chemical addiction programs in the counties of Williams, Divide, and Mountrail. During the year 1984, 20 youngsters from Williams County were placed in conjunction with the Mountain Plains Demonstration Project for Sheltered Care. The goal of this program is to establish facilities that would be available on a 24-hour basis for emergency placement of children.

The juvenile offices throughout the district have experienced increased and intense activity in the area of child abuse. This, of course, mirrors the corresponding concerns relating to child abuse that exist at national and state levels. It is hoped that two additional probation officers will be assigned in the Northwest Judicial District. One will be located in Williston and the other in Minot. The position in Williston has been previously authorized but due to fiscal limitations has not been funded.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**2,912**	**3,031**	**-3.9**
Civil	2,483	2,542	-2.3
Criminal	254	299	-15.1
Juvenile	175	190	-7.9
Cases Carried Over From Previous Year	**950**	**880**	**+8**
Civil	912	843	+8.2
Criminal	38	37	+2.7
Juvenile	—	—	—
Total Cases Docketed	**3,862**	**3,911**	**-1.3**
Civil	3,395	3,385	+1
Criminal	292	336	-13.1
Juvenile	175	190	-7.9
Dispositions	**2,829**	**2,961**	**-4.5**
Civil	2,423	2,473	-2
Criminal	231	298	-22.5
Juvenile	175	190	-7.9
Cases Pending As Of December 31	**1,033**	**950**	**+8.7**
Civil	972	912	+6.6
Criminal	61	38	+60.5
Juvenile	—	—	—

Report of the Northeast Judicial District

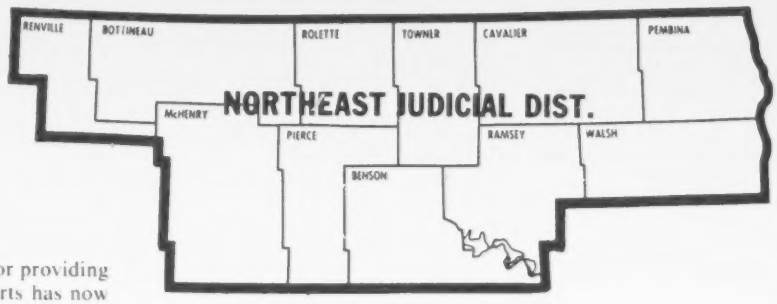
The Honorable Douglas B. Heen, Presiding Judge

District Court Judges: Douglas B. Heen, William A. Neumann, and James O'Keefe.

County Court Judges: James M. Bekken, A.S. Benson, Thomas K. Metelmann, John C. McClintock, Ronald M. Dosch, and Theodore Weisenburger.

Number of Counties in District: 11

District Court Chambers: Devils Lake



Contract Indigent Defense Counsel

The Northeast Judicial District's contract system for providing indigent defense counsel in district and juvenile courts has now been in effect for more than one year, and seems to be operating reasonably well. The system has brought some degree of predictability to what previously had been the most volatile item in the District's budget. Questions of contract application and interpretation seem to have been resolved to the satisfaction of both the District and the contract attorneys, and it seems likely the system will be continued, with some modification, in the coming biennium.

Caseload

1984 was marked by a continuing perception of increased workload in the district and juvenile courts in the Northeast District. While accurate comparison of pending cases is difficult, due to a change in cases counted in 1984, court personnel agree that the style of practice in civil, criminal and juvenile proceedings has changed significantly in recent years, with an enormous increase in motion practice being observed. The effect has been to create greater demands on the resources of the Northeast District even though caseload counts may not have increased substantially.

Staff

The lack of a juvenile court probation officer at Devils Lake has continued to be a critical problem throughout 1984. While it now appears that this position may finally be authorized and filled, the critical nature of the consequences of this understaffing 1984 must be emphasized. It simply is not possible to make appropriate dispositions of youth offenders and to service and support those dispositions when an essential juvenile court staff position is unfilled. It is hoped that some of the undesirable consequences of this understaffing can be alleviated in 1985.

Facilities

Increased caseloads in many of our counties in the past decade have rendered obsolete the once familiar spring and fall terms of district court. It has now become necessary to conduct continuous terms of court in many of our counties, and to try cases throughout the year, no matter what the season or temperature. One consequence of this increased caseload is a necessity for court facilities which can be used throughout the year.

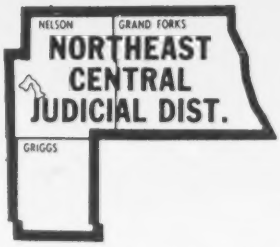
NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**1,612**	**1,621**	**-1**
Civil	1,262	1,234	+2.3
Criminal	146	184	-20.7
Juvenile	204	203	+.01
Cases Carried Over From Previous Year	**698**	**662**	**+5.4**
Civil	642	613	+4.7
Criminal	56	49	+14.3
Juvenile	—	—	—
Total Cases Docketed	**2,310**	**2,283**	**+1.2**
Civil	1,904	1,847	+3.1
Criminal	202	233	-13.3
Juvenile	204	203	+.01
Dispositions	**1,543**	**1,585**	**-2.6**
Civil	1,215	1,205	+.01
Criminal	124	177	-29.9
Juvenile	204	203	+.01
Cases Pending As Of December 31	**767**	**698**	**-9.9**
Civil	689	642	+7.3
Criminal	78	56	+39.3
Juvenile	—	—	—

Report of the Northeast Central Judicial District

The Honorable A.C. Bakken, Presiding Judge
Pat Thompson, Court Administrator

District Court Judges: A.C. Bakken, Presiding Judge; Joel D. Medd; and Kirk Smith.
County Court Judges: Frank J. Kosanda; Jonal H. Uglem; and Ronald Dosch.
Number of Counties in District: 3
District Court Chambers: Grand Forks



Records Management

The Clerk of District Court for Grand Forks County recently modernized the filing system by installing open lateral file cabinets with a color coded filing system. Lateral files provide more storage and require less floor space. The clerk has also discontinued the costly and cumbersome docket and index books by implementing a card system, and has acquired microfiche equipment for micro filming of records.

In March, 1984, the Child Support Division computerized the child support pay records by tying into the county computer in the Auditor's Office.

Law Clerks

Continued cooperation with the University of North Dakota School of Law enables each district judge to have the assistance of a student law clerk. The law school gives students three credit hours for performing 10 hours of law clerk duties each week during a regular semester and two credit hours during the summer.

Court Reporters

During 1984, a Computer was installed and is being used by two reporters in our district to aid them in transcript production. Computer-Aided-Transcription (CAT) can translate a reporter's notes at rates of 100 to 500 pages an hour, depending upon the type of system used. The final transcript can be printed at rates of more than 100 pages an hour. By using CAT a reporter is able to transcribe an average day in court in about three hours thus freeing the reporter for other work while the computer is translating and printing.

Juvenile Court

During 1984, the Grand Forks County Juvenile Court has been actively involved in the Mayor's Community TASK Force on Chemical Use and Awareness. The Task Force is comprised of local professionals, educators, parents, and other people concerned about chemical use in the community of Grand Forks. The Task Force presented a series of four weekly workshops in October, 1984, for professionals, and the general public. Dick Schaefer, from the Fargo Tough Love Center, was the presenter and facilitator at the workshops. Approximately 400 people attended the sessions. The workshops were made possible through fundraising, grants, and donations at the state and local levels.

During the last year, Juvenile Court continued to be involved with local service clubs and organizations such as Parents Without Partners and Tough Love. Juvenile Court was also involved in giving talks for the local school district; both in the class room and teacher in-service training sessions. Presentations were also given in the surrounding small communities and schools, to which the Grand Forks County Juvenile Court provides services.

Facilities

A committee was authorized by the Board of County Commissioners for Grand Forks County during 1984 to study and make recommendations to address the growing need for additional buildings to house courts, offices and the correctional center. The committee recommended to the Board that it employ a consultant to analyze those needs for additional space and to recommend options to remodel, build and or purchase such facilities.

District Judge A.C. Bakken is chairman of the committee.

Judicial Education

During July, 1984, Judge Joel D. Medd attended a four-week General Jurisdiction Session at the National Judicial College in Reno, Nevada. Judge A.C. Bakken attended a Space Management and Facilities Planning workshop which was sponsored by the Institute for Court Management of the National Center for State Courts. As a member of the Board of Directors of the American Judicature Society, Judge Kirk Smith attended the annual meeting in Chicago, August 11, and the midyear meeting in Las Vegas, February 11.

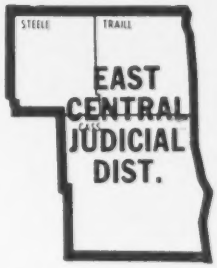
NORTHEAST CENTRAL JUDICIAL DISTRICT
CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**2,155**	**1,911**	**+12.8**
Civil	1,833	1,671	+9.7
Criminal	134	89	+50.6
Juvenile	188	151	+24.5
Cases Carried Over From Previous Year	**804**	**727**	**+10.6**
Civil	788	694	+13.5
Criminal	16	33	-51.5
Juvenile	—	—	—
Total Cases Docketed	**2,959**	**2,638**	**+12.2**
Civil	2,621	2,365	+10.8
Criminal	150	122	+23
Juvenile	188	151	+24.5
Dispositions	**2,022**	**1,834**	**+10.3**
Civil	1,714	1,577	+8.7
Criminal	120	106	+13.2
Juvenile	188	151	+24.5
Cases Pending As Of December 31	**937**	**804**	**+16.5**
Civil	907	788	+15.1
Criminal	30	16	+87.5
Juvenile	—	—	—

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge
Richard Sletten, Court Administrator

District Court Judges: Norman J. Backes, Presiding Judge; John O. Garaas; Lawrence A. Leclerc; and Michael O. McGuire.
County Court Judges: Donald J. Cooke; Cynthia A. Rothe; and Jonal Uglem.
Number of Counties in District: 3
District Court Chambers: Fargo



Community Involvement

The District Court Judges again participated in moot court and the trial advocacy program in conjunction with the Law School at the University of North Dakota. The Judges also met throughout the year with a number of local junior high and high school classes and other interested groups to help educate them about the judicial process and the function of the District Court. The local law enforcement agencies in cooperation with the District Court's administrative staff arranged for interested groups to tour the District and Clerk of Court's offices. The legal secretaries for the District were very active in the Fargo-Moorhead Legal Secretaries Association and Eloise Haaland, the District's Calendar Control Clerk, received their highest award – Legal Secretary of the Year 1984.

Case Flow Management

Current statistics indicate there has been an increase in the total number of filings in 1984 compared to 1983. Civil and criminal case dispositions were the highest in the state averaging 715 dispositions per Judge.

To assist in case flow management, the District began to investigate the need to computerize the dockets. District Court representatives attended the Court Technology Conference in Chicago, Illinois, in April, 1984; and in conjunction with a consultant and the National Center for State Courts, a Systems Analysis was completed in early November. The system will be designed to organize, index, and docket information so that it will be more useful to the Court. Requests for proposals on computer hardware were let in December and the system should be operational in early 1985.

Public Defender System

Due to the success of the indigent defense contracts as entered into in 1983, the District will again be contracting for like services for the 1985-87 biennium. The District sets a price for services and requests applications from interested attorneys. The Judges review the applications and select five attorneys to provide the necessary service for the East Central Judicial District. Four of these attorneys provide services in Cass County while one attorney provides services in Traill and Steele Counties.

Juvenile Court

1984 saw an increase of approximately 100 cases referred to Cass County Juvenile Court. Additionally, in connection with the national trend, there was a growing increase of abuse and neglect cases referred to the Court.

In an attempt to separate the administrative duties of the Juvenile Court from the judicial decision-making function, Presiding Judge Norman J. Backes realigned the duties and responsibilities of personnel within the Juvenile Justice Center. Mary Hall assumed the position of Director of Court Services and Chief Juvenile Supervisor, and Rita Hannesson assumed the position of Chief Probation Officer.

County Court Activity

Judges Donald Cooke and Cynthia Rothe developed a new system for the evaluation of DUI Defendants. An "in house" evaluator is used thereby cutting down the time lapse between sentencing and evaluation from about 50 days to 10 days.

EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**3,253**	**3,074**	**+5.8**
Civil	2,673	2,502	+6.8
Criminal	256	218	+17.4
Juvenile	324	354	-8.5
Cases Carried Over From Previous Year	**1,482**	**1,444**	**-4.3**
Civil	1,322	1,384	-4.5
Criminal	160	60	+166.7
Juvenile			
Total Cases Docketed	**4,735**	**4,518**	**+2.6**
Civil	3,995	3,886	+2.8
Criminal	416	378	+10.1
Juvenile	324	354	-8.5
Dispositions	**3,187**	**3,136**	**+1.6**
Civil	2,615	2,564	+2
Criminal	248	218	+13.8
Juvenile	324	354	-8.5
Cases Pending As Of December 31	**1,548**	**1,482**	**+4.5**
Civil	1380	1,322	+4.4
Criminal	168	160	+.05
Juvenile			

Report of the Southeast Judicial District

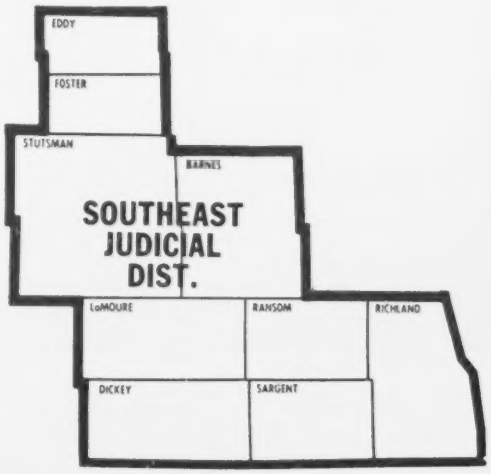
The Honorable Robert L. Eckert, Presiding Judge

District Court Judges: Robert L. Eckert, Presiding Judge; Gordon O. Hoberg; and John T. Paulson.

County Court Judges: James M. Bekken; C. James Cieminski; Harold B. Herseth; Bayard Lewis; Gary D. Neuharth; and Lowell O. Tjon.

Number of Counties in District: 9

District Court Chambers: Wahpeton, Jamestown and Valley City.



District Court Judge Elections

Judges Robert L. Eckert and Gordon O. Hoberg were re-elected at the November 1984 general election. Judge Eckert's election was uncontested. Judge Hoberg beat back a challenge by Stutsman County Judge Harold B. Herseth.

Annual Meeting of the Southeast Judicial District Bar Association

The fifth meeting of the Southeast Judicial District Bar Association was held in Carrington, North Dakota on May 4 and May 5, 1984. Presiding at the meeting was President Warren Stokes of Wahpeton, North Dakota. Dean Lenaburg of Valley City, North Dakota was elected President of the association and Robert Heinley of Carrington, North Dakota was elected Vice President. A meeting of all of the county and district judges in the district was also held in conjunction with the Bar Association meeting.

Meetings of Court Personnel

Two meetings were held with all of the court personnel of the Southeast Judicial District. The first meeting was held at Carrington, North Dakota in conjunction with the District Bar Association meeting of May 4, 1984. Jana Thielges and Carroll Edmonson of the Court Administrator's staff reviewed the budget for the state and the district. They also discussed personnel policies of the judicial branch of the state government.

On October 19, 1984 a meeting was held at Wahpeton, North Dakota with Court Administrator William Bohn and Jana Thielges present. Expenditures for the current budgetary period were again discussed together with the proposed budget that would be presented to the 1985 session of the North Dakota Legislative Assembly.

Assignment of Cases

Cases from Richland, Ransom, and Sargent Counties which are tried to the court without a jury continue to be assigned to Judge Eckert. Cases arising in Eddy, Foster and Stutsman Counties which are to be tried to the court without a jury have been assigned to Judge Hoberg. Cases from Barnes, LaMoure and Dickey Counties which are to be tried to the court without a jury continue to be assigned to Judge Paulson.

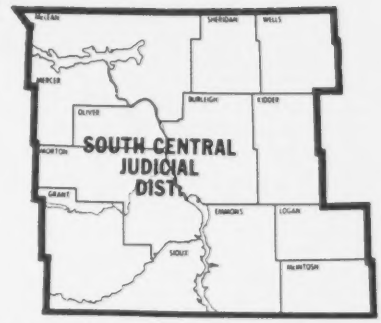
Clerks of court have been ordered to immediately notify the district court of the filing of any bindover papers so that criminal arraignments and criminal trials can be held as quickly as possible. The district judges continue to alternate civil jury terms in each county within the district.

SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**1,821**	**1,779**	**+2.4**
Civil	1,467	1,453	+.01
Criminal	169	118	+43.2
Juvenile	185	208	-11.1
Cases Carried Over From Previous Year	**672**	**666**	**+.01**
Civil	625	611	+2.3
Criminal	47	55	-14.5
Juvenile			
Total Cases Docketed	**2,493**	**2,445**	**+2**
Civil	2,092	2,064	+1.4
Criminal	216	173	+24.9
Juvenile	185	208	-11.1
Dispositions	**1,795**	**1,773**	**+1.2**
Civil	1,456	1,439	+1.2
Criminal	154	126	-22.2
Juvenile	185	208	-11.1
Cases Pending As Of December 31	**698**	**672**	**+3.9**
Civil	636	625	+1.8
Criminal	62	47	+31.9
Juvenile			

Report of the South Central Judicial District

The Honorable Benny A. Graff, Presiding Judge
Ted Gladden, Court Administrator



District Court Judges: Benny A. Graff, Presiding Judge; Gerald G. Glaser; Larry M. Hatch; William F. Hodny; and Dennis A. Schneider.

County Court Judges: James M. Bekken; Donavin L. Grenz; Burt L. Riskedahl; Lester J. Schirado; and O.A. Schulz.

Number of Counties in District: 13

District Court Chambers: Bismarck; Mandan; and Linton

Court Administration

The Court Administrator's office remains the hub of the centralized district court calendaring system that works so effectively in the district. The district continues to have the largest caseload in the state at both the district and county level.

With automated case monitoring procedures in place, the Court Administrator's office is able to monitor cases from filing to disposition assuring timely action. The district judges are able to dispose of their workload well in advance of the docket currency reporting standards of the Supreme Court for criminal and civil cases.

At the beginning of 1984 the last facet of our automated case management system was implemented. This application allows us to transmit case data to the state computer, at the Capitol, on a daily basis. This step reduces the amount of employee interaction previously necessary with the case reporting forms.

In 1984 an employee service award program was initiated. The program recognizes employees that have reached 10, 20, and 25 year milestones of service to the people of North Dakota and the judges of the South Central Judicial District. The program was enthusiastically received. A piece of jewelry is being designed and will be distributed to those employees who are eligible in the near future.

Juvenile Court

During 1984 a new juvenile probation officer was added to our staff. With the addition of this position, existing positions were reclassified. We are now the only judicial district assigning informal adjustments to senior level probation staff. This is being done under the administrative supervision of the Director of Juvenile Court Services and provides more effective use of existing staff.

During the year over 2,600 matters were heard by the juvenile court. Of this number, in excess of 700 were heard by referees of the juvenile court. Approximately 500 hearings were on Orders to Show Cause, Uniform Reciprocal of Enforcement of Support Actions, and pretrial matters. This caseload represents in excess of a 20% increase over calendar year 1983. Slightly less than 25% of the total juvenile referrals made statewide occur within the 13 counties of the South Central Judicial District.

Work continued during the year on developing a plan for consolidating the clerical services of Bismarck and Mandan to provide efficient utilization of existing personnel. This task will be completed during 1985.

Clerk of Court

One of the first projects completed during calendar year 1984 was development of uniform procedures for case file maintenance in the clerks of courts offices throughout the district. This included developing standard procedures for the size of file folders, type of file, numbering and arrangement of documents in the file, and procedures for transmitting files to the judges prior to hearing.

Uniform procedures were developed for the role of the jury commissioner. Procedures adopted are more cost effective than previous practices in many counties. In conjunction with this effort work has begun on developing procedures for jury service. Once completed, a one step jury qualification summoning process will be used. Length of service on jury panels will be shortened to reduce juror inconvenience. Draft guidelines are being developed to allow clerks to excuse jurors under strict judicial supervision.

Judicial Facilities

Much effort has been directed toward the judicial space problems in Burleigh County. Two bond issues for jail and courthouse renovation failed to obtain a 60% majority of support during the year. As a result, the Burleigh County Commission has committed other funds for the remodeling of the second floor of the courthouse to provide space for the clerk of district court, court administrator's office, juvenile court offices, and one large general purpose hearing room. Personnel should be moving into their new quarters by early fall of 1985.

At the end of the year the County Commission was in the process of awarding bids to begin a remodeling phase that will increase our total number of courtrooms to five. We will have 3 jury capable courtrooms and 2 nonjury courtrooms available for judges of the district and county court. Once the project is completed, all jury cases will be held on the third floor. The building plans should meet the needs of the judiciary past the year 2000 and are based on the projection of a total of six judges with chambers in Burleigh County.

County Court

The judges of the county courts in the South Central Judicial District continue to handle the increasing caseload they are experiencing. Burleigh County has an increase in caseload problem that has prompted a request for additional judicial resources. Hopefully, these additional judicial resources can be added in the very near future to address this critical problem.

The caseload in Mercer and McLean counties continues to increase. Of the four counties; Sheridan, Oliver, McLean, and Mercer; Mercer County continues to be the most heavily impacted accounting for more case filings than the other counties combined. It does not appear that this level of activity will be decreasing in the near future.

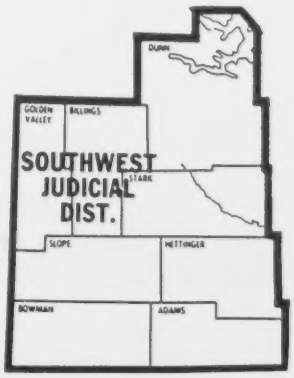
SOUTH CENTRAL JUDICIAL DISTRICT
CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**3,274**	**3,260**	**+.01**
Civil	2,800	2,549	+10
Criminal	263	397	-33.8
Juvenile	211	316	-33.2
Cases Carried Over From Previous year	**1,442**	**1,480**	**-2.6**
Civil	1,331	1,379	-3.5
Criminal	111	101	-10
Juvenile	—	—	—
Total Cases Docketed	**4,716**	**4,740**	**-.01**
Civil	4,131	3,926	+5.2
Criminal	374	498	-24.9
Juvenile	211	316	-33.2
Dispositions	**3,241**	**3,298**	**-1.7**
Civil	2,744	2,595	+5.7
Criminal	286	387	-26.1
Juvenile	211	316	-33.2
Cases Pending As Of December 31	**1,475**	**1,442**	**+2.3**
Civil	1,387	1,331	+4.2
Criminal	88	111	-20.7
Juvenile	—	—	—

Report of the Southwest Judicial District

The Honorable Maurice R. Hunke, Presiding Judge
Ardean Ouellette, Court Administrator

District Court Judges: Maurice R. Hunke, Presiding Judge; Allan L. Schmalenberger; and Lyle C. Stuart.
County Court Judges: Tom Beyer; Donald L. Jorgenson; and F. Gene Gruber.
Number of Counties in District: 8
District Court Chambers: Dickinson and Hettinger



Juvenile Court Personnel

During the spring of 1984 the Southwest Judicial District finally achieved its long sought goal of changing its entire Juvenile Court Department from a "one man shop" to a staff more suitable to the needs of our area. During 1983 we had obtained both legislative and Supreme Court authority to employ our first probation officer and our first secretary-receptionist. In 1984 the Stark County Board of Commissioners fulfilled their commitment to provide appropriate office space and additional small courtroom. Space for those facilities became available through a handsome redesign of a small area on the third floor of the Stark County Courthouse which had previously served as a part of the Stark County Jail prior to construction of the combined Law Enforcement Center at Dickinson.

Appointed to the Position of Probation Officer I was Mr. Scott Montgomery, who came to us from a similar position in South Dakota. We felt fortunate to obtain someone well trained, prepared and experienced to perform the important work of that position. We were similarly fortunate to have the benefit of prior Juvenile Court secretarial experience through the appointment of Mrs. Nancy Schmidt. Included among her previous professional experience was a period of employment with the Juvenile Court for Burleigh County.

We are pleased one year later not only that Mr. Montgomery and Mrs. Schmidt are still with us but also with the excellence of their work. They join Juvenile Supervisor Howard V. Egan, Jr. and for the first time in the history of southwestern North Dakota, we now have a complete Juvenile Court staff to provide the full range of Juvenile Court services mandated by statute and dictated by the needs of our citizens.

New Judges

The general election in November of 1984 resulted in the election of Hon. Donald L. Jorgensen to District Judgeship No. 2 with Chambers located at Hettinger in Adams County. Judge Jorgensen was already a member of our judiciary, having been elected as Stark County Judge two years earlier. We welcome Judge Jorgensen to the District Court in 1984 for a six-year term.

The search to fill the resulting vacancy in the Stark County Court occasioned the first utilization of the Judicial Nominating Commission for a County Court in North Dakota. In early January 1985, Hon. Ronald L. Hilden was chosen by the Stark County Board of Commissioners from the list of two names submitted to it by the Judicial Nominating Commission. Judge Hilden had been serving as a Stark County Assistant State's Attorney immediately prior to his appointment. Because he had earlier served for a brief period as Mercer County Judge, we are able to point with pride in this annual report to the fact that all of the new personnel in our District during 1984 and very early 1985, whether in the Juvenile Court, District Court or County Court, had the benefit of prior experience in similar positions.

Caseload

The prediction in our last annual report that our caseload would remain at a "stable level" proved to be true at the end of 1984. New case filings in the Southwest District have remained remarkably stable from 1982 through 1984.

While the citizens of our area may be pleased to observe a 24% decrease in criminal cases filed in District Court during 1984, that decrease was offset by an approximately 20% increase in divorce cases and more than a 50% increase in mortgage foreclosure actions. The tragedy of those mortgage foreclosure actions may be recognized as a direct measurement of the severe difficulties encountered in our primary economic activities of agriculture and energy resource development. However, the more personal tragedies involved in the breakup of families caused by more divorces may be more symptomatic of the human distress produced by severe economic problems.

County Courts

Already noted was the appointment of Judge Ronald L. Hilden to the Stark County Court, which is the high volume County Court in our District. We have two other County Judges: Hon. Tom M. Beyer, who serves the Counties of Billings, Dunn and Golden Valley; and Hon. F. Gene Gruber who serves the remaining four Counties of Adams, Bowman, Hettinger and Slope. Court Administrator Ardean Ouellette and Presiding Judge Maurice R. Hunke have previously commented favorably in public reports upon the excellent cooperation which has been demonstrated in our District among the County Judges and particularly the willingness of Judges Beyer and Gruber to assist when necessary with the busy caseload in Stark County. We deem it appropriate to conclude this annual report with a commendation for our County Judges.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**1,369**	**1,386**	**-1.2**
Civil	1,216	1,196	+1.7
Criminal	113	149	-24.2
Juvenile	40	41	-2.4
Cases Carried Over From Previous Year	**560**	**580**	**-3.4**
Civil	531	541	-1.8
Criminal	29	39	-25.6
Juvenile	—	—	—
Total Cases Docketed	**1,929**	**1,966**	**-1.9**
Civil	1,747	1,737	+.01
Criminal	142	188	-24.5
Juvenile	40	41	-2.4
Dispositions	**1,361**	**1,406**	**-3.2**
Civil	1,211	1,206	+.01
Criminal	110	159	-30.8
Juvenile	40	41	-2.4
Cases Pending As Of December 31	**568**	**560**	**+1.4**
Civil	536	531	+.01
Criminal	32	29	+10.3
Juvenile	—	—	—

County Courts

County courts in North Dakota underwent a major transformation in 1983. A new uniform system of county courts took effect on January 1, 1983 and replaced the previous three-tier county court system. The new county courts differ from the old county courts in three other major aspects: 1) all county courts are now courts of records; 2) all county judgeships are now full-time positions; and 3) all county judges now must be legally trained. Under the old county court system most of the county courts were not court of records and many of the county judgeships were part-time positions staffed by laymen rather than licensed attorneys. As was the case under the old county court system, county courts under the new county court system are still funded by the counties.

There are 26 county judges in North Dakota. Fourteen of these judges serve more than one county. The legislation creating the new county court system authorized counties to contract with one another for the services of a single county judge. Through these contractual arrangements, called multi-county agreements, four county judges each serve a two county area, six county judges each provide judicial services to a three county area, and four county judges each render judicial services to a four county area. Ten counties have a single county judge and one county, Cass County, has two county judges. Most of the multi-county courts operate within the boundaries of a single judicial district. In two instances, however, the multi-county courts cut across the boundary lines of two judicial districts. In another case the multi-county agreements have resulted in county judges who are part of three different judicial districts.

Another unique feature of the new county court system is the county magistrate. Because many county judges serve more than one county, they cannot always be in each county when they are needed. To insure continuity in judicial services in their absence, they can appoint a magistrate to handle preliminary matters in the county until they return. Through an administrative rule the Supreme Court has established the qualifications, authority, and procedures governing magistrates. In several counties, the county judge has appointed the clerk of the district court as the magistrate for the county.

Like the old county courts, the new county courts are limited jurisdiction courts. They have original and exclusive jurisdiction in probate, testamentary, guardianship, and mental health cases. They have concurrent jurisdiction with municipal courts in traffic cases and concurrent jurisdiction with the district courts in trust, criminal misdemeanor, and civil cases where the amount in controversy does not exceed $10,000. County judges also hold the preliminary hearing in criminal felony cases before the criminal defendant is turned over to the district court for trial.

County courts also act as small claims courts in North Dakota. The jurisdictional limit for a small claims case is $1,500. There is no appeal from the decisions of the county court when it is acting in its capacity as a small claims court. All decisions of the county courts in such instances are final.

While the subject matter jurisdiction of the new county courts is equivalent to the subject matter jurisdiction of the old county courts, their jurisdictional limits are generally higher. For instance, no county courts under the old county court system had concurrent civil jurisdiction with district courts in cases where the amount of controversy exceeded $1,000. As stated above, the concurrent jurisdiction for the new county courts is $10,000. Similarly, the jurisdictional limit for small claims cases under the old county courts was $1,000 compared to $1,500 for the new county courts. In addition, the presiding judge of a judicial district can assign district court cases, except for juvenile cases, to a county judge.

In establishing the new county court system, the Legislature also vested county court judges with the same power and authority as district court judges. Moreover, the rules of practice and procedure governing district court proceedings also apply to county courts. Thus, both in terms of their jurisdiction and authority, county judges under the new county court system have greater judicial responsibilities and power than their predecessors.

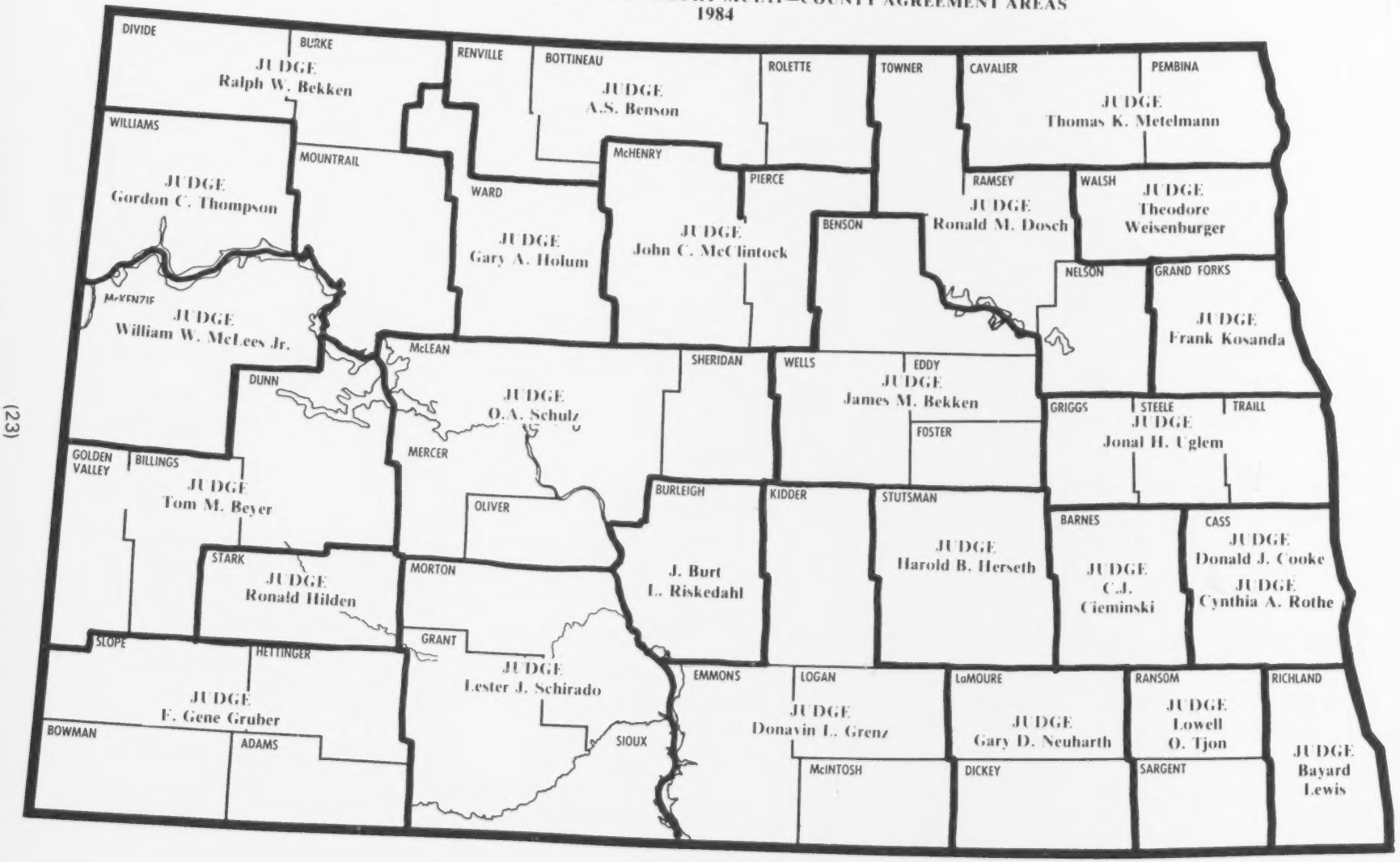
Appeals from the county court go directly to the Supreme Court. Under the old county court systems appeals from the county justice and county courts went to the district court while all appeals, except in probate cases, from county courts of increased jurisdiction went to the Supreme Court.

In addition to its trial court duties, county courts also serve as the appellate courts for appeals from municipal courts. All appeals from municipal courts to county courts are trial de novo appeals. In other words, when a municipal court case is appealed to the county court, a new trial is held in the county court. New trials are required in county courts because municipal courts do not maintain official records of their proceedings.

County court judges serve four year terms. If a county court vacancy occurs, the county commissioners can either fill the vacancy by selecting a candidate from a list of nominees submitted by a Judicial Nominating Committee or by calling a special election to fill the vacancy. The person chosen to fill the vacancy would then serve until the next general election. In those counties which share the services of a county judge, any appointment must be approved by a majority of the board members of all boards of county commissioners of all affected counties.

In counties with a population over 25,000, the county judge has the authority to appoint a clerk of county court. In counties with a population less than 25,000 the clerk of district court also serves as the clerk of county court.

COUNTY JUDGES AND COUNTY COURT MULTI—COUNTY AGREEMENT AREAS
1984



County Court Caseload

The second year of the new county courts showed little change in the composition of county court dockets. The caseload continues to be predominately noncriminal traffic, followed by criminal, small claims, other civil and probate.

Overall, the number of filing and dispositions decreased slightly in 1984. The bulk of this decrease can be attributed to a 5,500 drop in the number of noncriminal traffic cases handled. Civil filings and dispositions continued to increase in 1984 (11.6% and 15.5% respectively). While this may be somewhat attributed to the expanded jurisdiction of county courts, it should be noted that civil filings and dispositions also increased in district courts.

The number of mental health hearings and preliminary hearings in criminal felony cases also increased significantly in 1983. Mental health hearings increased by 15% and preliminary hearings in felony cases by 10%. The increase in preliminary hearings in criminal felony cases is a reflection of the increased number of felony cases being filed in the district courts. The rise in mental health hearings seem to reflect a greater emphasis on the rights of the mentally ill and the deinstitutionalization movement in North Dakota.

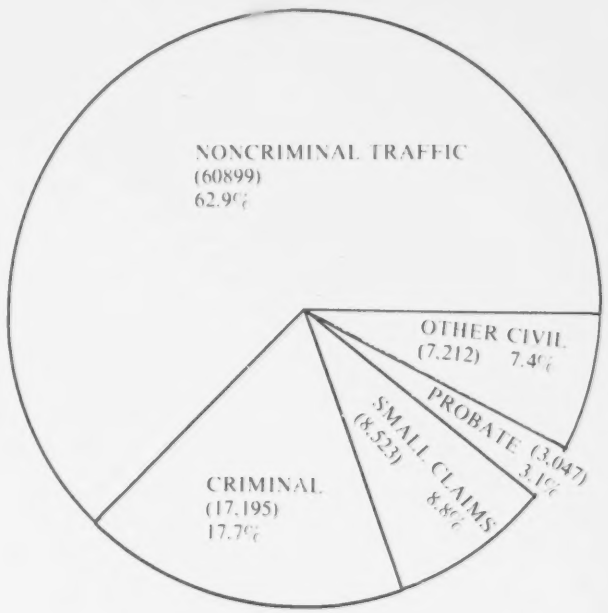
The rise from a jurisdictional limit of $1,000 to $1,500 for small claims actions may have contributed to a 10% increase in small claims filings. Criminal misdemeanor cases also increased only moderately (2%) in 1983.

All other types of cases declined in 1984, but with the exception of probate cases, the decrease was minuscule. Probate filings dropped 10%. However, whether this drop is significant is difficult to determine because the informal filing and dispositional procedures established by the Uniform Probate Code hinders the collection of accurate and consistent statistical data on probate filings and dispositions.

SYNOPSIS OF COUNTY COURTS' CASELOAD FOR 1983 AND 1984

	1984	1983	Percent Difference
New Filings	**96,876**	**100,583**	**-3.7**
Civil	18,782	16,824	+11.6
Criminal	17,195	17,340	-.1
Noncriminal Traffic	60,899	66,419	-8.3
Cases Carried Over From Previous Year	**19,276**	**18,730**	**+2.9**
Civil	16,131	14,861	+8.5
Criminal	3,145	3,869	-18.7
Noncriminal Traffic	—		
Total Cases Docketed	**116,152**	**119,313**	**-2.6**
Civil	34,913	31,865	+9.6
Criminal	20,340	21,209	-4.1
Noncriminal Traffic	60,899	66,419	-8.3
Dispositions	**97,868**	**100,037**	**-2.2**
Civil	17,967	15,554	+15.5
Criminal	19,002	18,064	+5.2
Noncriminal Traffic	60,899	66,419	-8.3
Cases Pending As Of December 31	**18,284**	**19,276**	**-5.1**
Civil	16,946	16,131	+5.1
Criminal	1,338	3,145	-57.5
Noncriminal Traffic	—		

TYPES OF CASES FILED IN THE COUNTY COURT IN 1984



COUNTY COURT FILINGS AND DISPOSITIONS FOR 1984

County	Felony		Misdemeanor		Total Non-criminal Traffic	Small Claims		Probate		Guardianship/ Conservatorship		Other Civil		Mental Health & Emerg. Commit.
	(F)	(D)	(F)	(D)		(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	
Adams	1	1	65	47	221	26	31	26	20	4	1	27	25	2
Barnes	37	46	413	453	1,764	354	361	63	75	10	1	53	51	136
Benson	6	7	200	184	1102	80	66	36	15	0	0	65	68	1
Billings	2	4	100	100	875	14	14	15	6	2	2	2	1	2
Bottineau	12	19	184	267	797	135	132	89	27	8	0	46	48	17
Bowman	3	3	63	66	202	28	30	38	30	4	1	30	29	0
Burke	10	10	132	126	242	35	38	44	31	0	29	25	26	10
Burleigh	142	161	1022	1127	4498	780	786	136	152	32	25	932	941	105
Cass	181	211	1429	1796	4217	1327	1285	248	162	59	21	662	680	236
Cavalier	6	6	130	144	487	103	112	64	53	6	0	54	48	5
Dickey	14	15	78	77	392	140	112	30	21	4	0	44	42	3
Divide	1	1	55	49	377	8	9	55	60	6	1	15	15	2
Dunn	8	6	179	188	646	39	10	41	38	1	0	41	41	0
Eddy	1	1	42	42	138	57	60	33	8	4	0	0	1	2
Emmons	2	2	142	123	484	92	93	31	22	10	0	27	25	4
Foster	9	10	85	86	307	67	59	17	6	2	0	11	10	3
Golden Valley	5	7	13	15	174	22	15	29	23	2	5	13	12	7
Grand Forks	180	222	1547	1794	5915	637	612	150	99	33	8	211	173	99
Grant	3	2	69	64	430	47	47	22	27	0	0	2	2	0
Griggs	6	8	88	97	645	76	76	35	8	4	1	5	4	5
Hettinger	2	2	100	96	296	25	25	41	48	0	2	34	34	2
Kidder	5	5	86	83	1027	31	32	17	18	2	0	26	24	2
LaMoure	6	5	84	85	545	86	85	32	54	1	0	35	38	0
Logan	1	2	37	36	257	24	25	14	14	0	0	12	12	3
McHenry	16	13	143	149	918	88	77	59	34	6	2	23	20	11
McIntosh	6	5	55	46	156	37	41	30	6	3	0	23	20	3
McKenzie	45	33	271	256	981	124	128	88	63	11	1	68	70	6
McLean	17	23	321	363	1784	109	108	76	15	3	1	78	78	7
Mercer	46	51	713	821	1789	147	145	44	21	9	1	144	140	7
Morton	67	67	650	666	4451	445	405	89	23	27	8	345	351	23
Mountrail	3	2	211	211	733	92	105	70	93	7	3	29	26	11
Nelson	8	8	88	115	520	51	53	45	34	4	5	25	24	2
Oliver	4	4	48	58	535	15	16	14	19	0	0	5	5	0
Pembina	29	27	165	168	720	102	94	89	64	9	1	162	152	13
Pierce	21	26	148	224	485	70	85	34	74	7	6	49	47	5
Ramsey	55	50	763	770	2919	198	185	66	154	22	48	81	81	33
Ransom	7	9	133	137	359	84	91	35	16	3	0	45	46	0
Renville	—	1	32	45	343	22	22	44	34	1	1	10	8	0
Richland	56	58	274	276	1222	229	222	82	78	32	8	55	50	18
Rolette	24	30	309	427	853	59	62	38	52	51	37	52	53	3
Sargent	19	19	63	59	284	82	90	33	15	1	0	9	9	0
Sheridan	1	1	19	22	55	15	15	13	13	1	0	10	10	0
Sioux	—	—	—	1	7	17	18	3	6	0	2	—	—	2
Slope	2	1	38	39	142	8	8	14	24	0	0	7	6	0
Stark	72	92	959	1126	3769	446	419	90	430	17	164	428	414	57
Steele	3	5	48	50	308	26	29	24	25	1	0	10	8	0
Stutsman	59	57	1039	1047	2845	230	231	89	61	24	1	160	160	187
Towner	23	21	137	160	516	54	56	32	19	18	2	29	27	3
Traill	14	19	154	157	513	146	151	74	46	10	0	52	52	6
Walsh	32	30	707	716	1296	264	236	91	102	52	1	235	237	48
Ward	146	180	1008	1192	3569	623	557	189	70	30	13	486	472	166
Wells	3	4	41	37	356	41	36	41	43	3	0	18	19	3
Williams	78	81	816	846	2433	466	411	145	115	22	6	305	318	69
TOTAL	1499	1673	15696	17329	60899	8523	8211	3047	2766	568	408	5315	5253	1329

Municipal Courts

There are 366 incorporated cities in North Dakota. 161 of them have municipal courts. There are 148 judges serving these 161 courts. State law permits an individual to serve more than one city as a municipal judge.

In 1981 the Legislature amended the state law pertaining to municipalities to allow each municipality the option of deciding whether or not to have a municipal judge. Before this amendment, all incorporated municipalities were required to establish a municipal court. Despite this requirement, those incorporated cities which did not have a police force tended not to have a municipal court.

The municipal judges have exclusive jurisdiction of all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. He must be a qualified elector of the city, except in cities with a population below 3,000. In cities with a population of 3,000 or more the municipal judge is required to be a licensed attorney unless an attorney is unaavailable or not interested in serving. At present, there are 19 legally-trained and 129 lay municipal judges in the state.

State law requires that each municipal judge attend at least one educational seminar per calendar year conducted by the supreme court. If a municipal judge fails to meet this requirement without an excused absence from the supreme court, his name is referred to the Judicial Qualifications Commission for such disciplinary action as is deemed appropriate by the Commission.

Most of the municipal courts' traffic caseload are noncriminal traffic cases or administrative traffic cases. In 1984 nearly 92 percent of the traffic cases processed by municipal courts were noncriminal traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is not only a lesser burden of proof in noncriminal traffic cases than in criminal cases, but most noncriminal traffic cases are disposed of by bond forfeitures. While no judge time is needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Although criminal traffic cases compose only about 8 percent of the municipal courts' caseload, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than violations of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. Whereas in noncriminal traffic cases the prosecutor has only to demonstrate a preponderance of evidence for conviction, in criminal traffic cases the prosecutor must prove each element of the charge beyond a reasonable doubt.

The majority (86%) of all traffic cases in the state are processed by ten communities containing about 40 percent of the state's population. Most of these communities experienced declines in traffic disposition in 1984. Fargo, however, experienced a doubling of traffic cases. Several of the western communities saw significant declines in traffic cases. Most had shown increases in 1983, thus the decline may simply be a leveling effect rather than a general trend.

It is noteworthy that criminal traffic cases decreased in 1984. This decline may reflect the deterrent effect of stiffer DUI penalties and the State Highway Patrol's RAID program as well as the increasing public visibility of DUI offenses engendered by MADD and other groups. Increased penalties for conviction may also have had the effect of encouraging more contested cases with the result of fewer convictions. As the table below illustrates, the conviction rate in criminal traffic cases in 1984 increases slightly but is still well below the 1980 levels.

In 1984 the Municipal Court Study Subcommittee of the Judicial Planning Committee initiated a full study of municipal courts in cooperation with the North Dakota League of Cities.

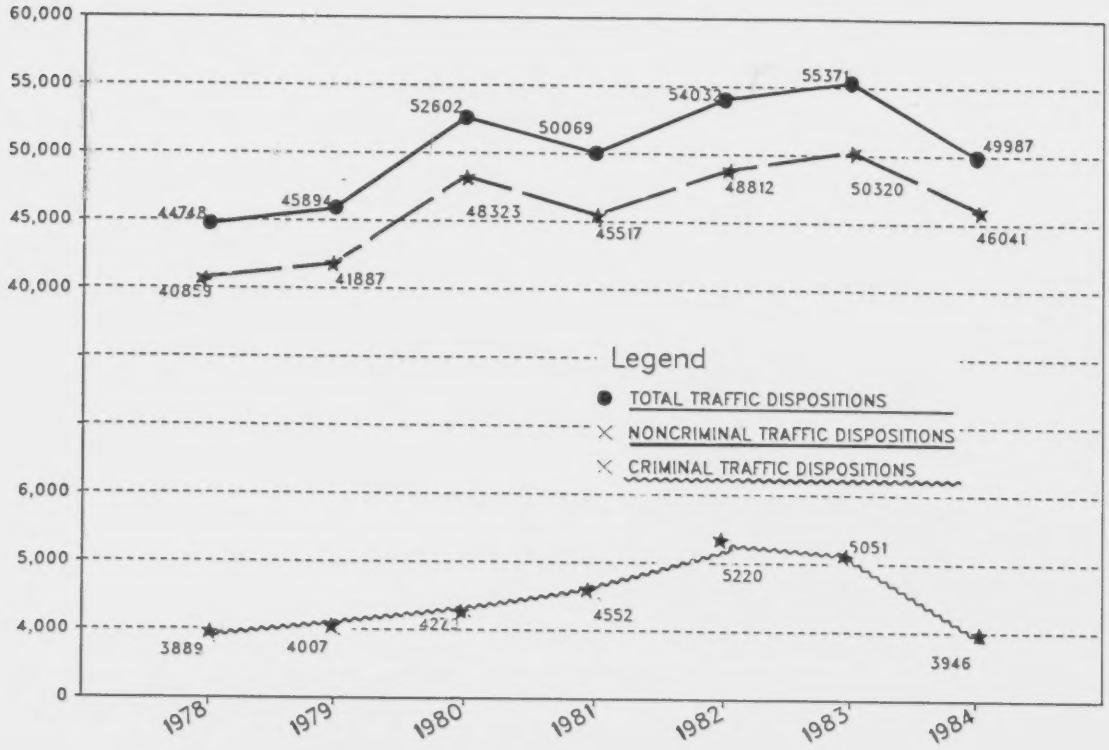
COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1983 AND 1984

Type of Disposition	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Difference
	1984	1983	1984	1983	1984	1983	
Convictions	3,233	4,065	44,223	48,689	47,456	52,754	-10
Acquittals	677	912	1,743	1,571	2,420	2,483	-2.5
Dismissal	36	74	75	60	111	134	-17.2
TOTAL	**3,946**	**5,051**	**46,041**	**50,320**	**49,987**	**55,371**	**-9.7**

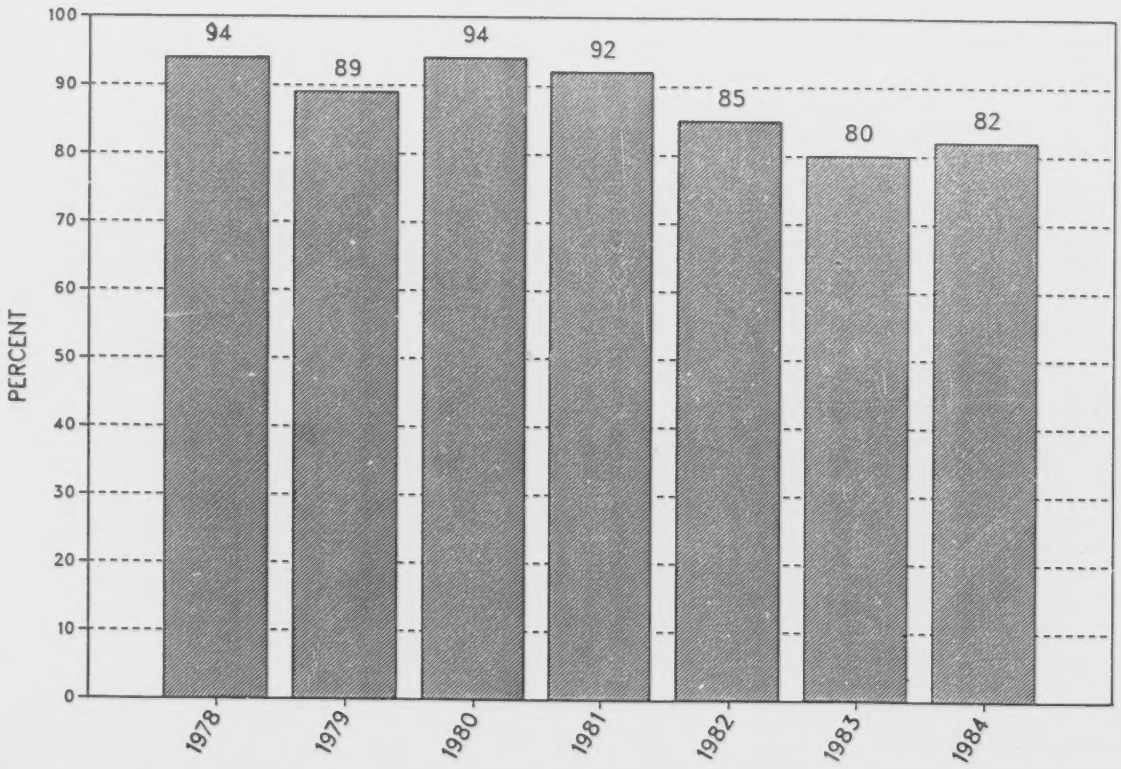
COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1983 AND 1984

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Differences
	1984	1983	1984	1983	1984	1983	
Bismarck	453	586	5,921	6,417	6,374	7,003	-9
Dickinson	200	253	2,443	2,977	2,643	3,230	-18.2
Fargo	382	352	8,435	4,053	8,817	4,405	+100.2
Grand Forks	431	660	2,746	3,945	3,177	4,605	-31
Jamestown	109	148	2,726	2,634	2,835	2,782	+1.9
Mandan	143	221	2060	4,298	2,203	4,519	-51.3
Minot	497	627	6,868	7,729	7,365	8,356	-11.9
Wahpeton	129	176	578	974	707	1,150	-38.5
West Fargo	134	193	842	708	976	901	+8.3
Williston	285	408	4,245	5,442	4,530	5,850	-22.6
TOTAL	**2,763**	**3,624**	**36,864**	**39,177**	**39,627**	**42,801**	**-7.4**

COMPARISON OF ND MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR 1978-1984



CONVICTIONS IN CRIMINAL TRAFFIC CASES AS PERCENTAGE OF CRIMINAL TRAFFIC DISPOSITIONS 1984



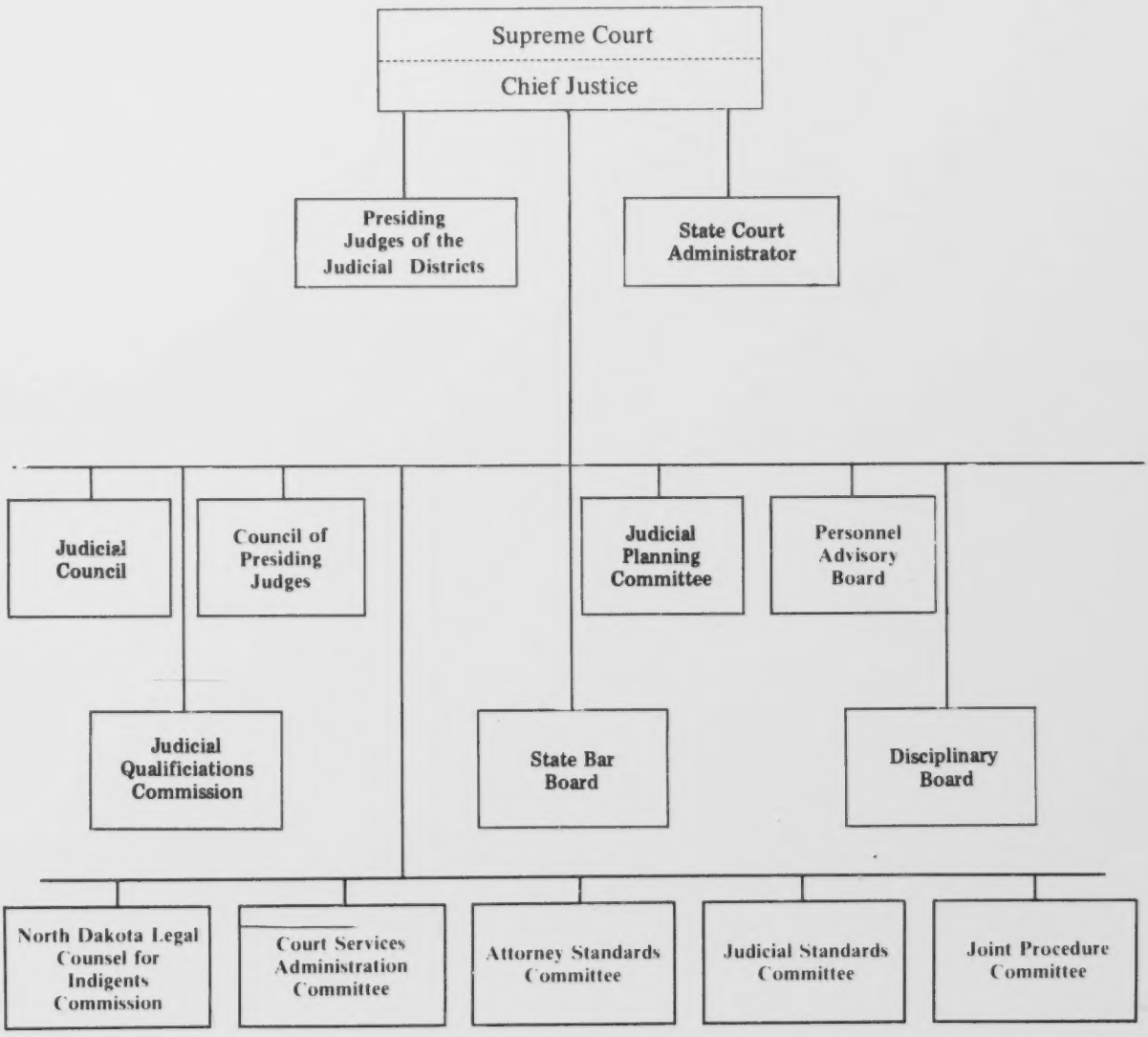
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the supreme court. The constitution has emphasized the supreme court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the supreme court supervisory authority over the legal profession. Article VI, Section 3 states that the supreme court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarments of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the supreme court relies upon the state court administrator, presiding judges, and various advisory committes, commissions and boards. The functions and activities of these various bodies during 1983 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3 of the North Dakota Constitution authorizes the chief justice of the supreme court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the supreme court has outlined the powers, duties, qualifications and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the supreme court in the preparation of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

Judicial Education

Under the guidance and supervision of the Judicial Council Committee on Judicial Training, the Office of State Court Administrator develops and coordinates training programs for all levels of judicial and court support personnel. In addition, a number of other professional development and information activities are coordinated and conducted under the auspices of the state court administrator. These activities are described in greater detail in the section of this report which discusses the activities of the Judicial Training Committee.

Judicial Planning

Staff services are provided to the Judicial Planning Committee and other advisory committees of the supreme court by the planning staff in the state court administrator's office. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and such other tasks that are assigned by the various committees. Specific activities and projects of the different supreme court standing committees are provided in a latter section of this report.

Personnel Management

The state funding of most district court employees in 1981 significantly increased the personnel management responsibilities of the State Court Administrator. To insure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the State Court Administrator. In 1984 the Supreme Court adopted a pay and classification plan for supreme court employees for submission to the supreme court.

Fiscal Responsibilities

One of the State Court Administrator's primary administrative responsibilities is the management of the judicial budget. As the budget director for the judicial system, he is responsible for the coordination and preparation of the supreme court and district court budgets, preparation and analysis of monthly budget status reports, the development of budgetary policies for the judiciary, and the maintenance of payroll records for judges and court personnel.

Even with the addition of most district court expenses to the judicial budget, the judicial budget constitutes only a small portion of the state's total budget for the 1983-85 biennium. However, this is not to say that the budgetary impact of the additional expenses has been minimal. Since the absorption of most district court expenses has been minimal. Since the absorption of most district court expenses by the state in 1981, the judicial portion of the state's budget has doubled.

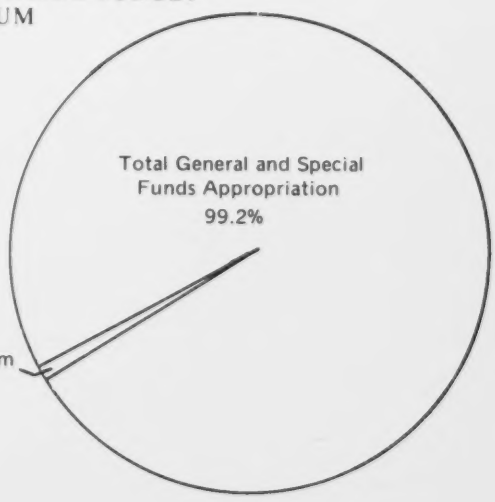
The impact of the state's funding of nearly all district court expenses can also be seen in the way in which the judicial budget is allocated. Whereas the supreme court portion of the judicial budget used to be over 40 percent, now it is less than 23 percent.

In viewing the judicial budget, it should be noted that it does not include the salaries of district court clerks and deputy clerks or any county court or municipal court expenditures. District court clerk expenses and county court expenses are funded by county government in North Dakota. Likewise, municipal courts are funded by the particular municipalities they serve.

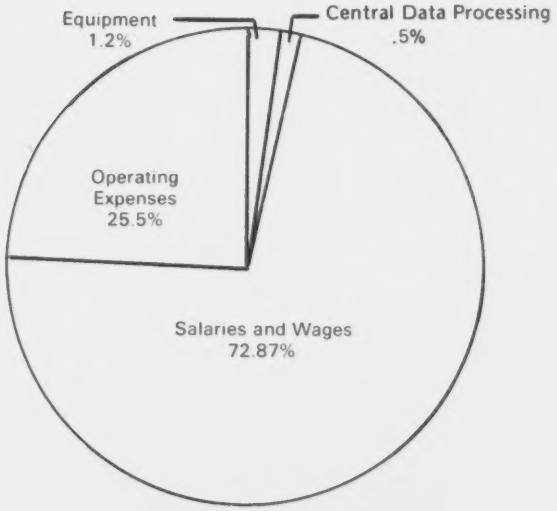
JUDICIAL PORTION OF THE STATE'S BUDGET
1983-1985 BIENNIUM

Total General and Special Funds Appropriation
$2,144,610,028

Judicial System General and Special Funds Appropriation
$16,788,613



STATE JUDICIAL SYSTEM APPROPRIATION BY TYPE OF ACTIVITY
1983-1985 BIENNIUM



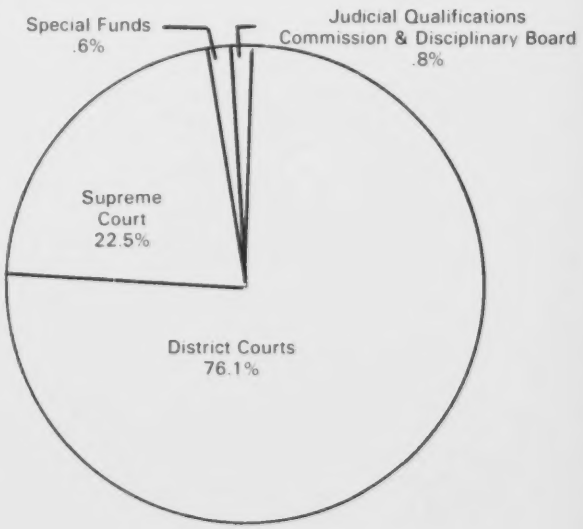
Total Judicial System General and Special Funds Appropriation

$16,788,613

Salaries and Wages	$12,224,627
Operating Expenses	4,283,369
Central Data Processing	82,000
Equipment	198,617

STATE JUDICIAL SYSTEM APPROPRIATION BY TYPE OF COURT
1983-1985 BIENNIUM

Supreme Court	
General Fund	$ 3,778,634
Special Funds	20,000
TOTAL	$ 3,798,634
District Courts	
General Fund	$12,778,453
Special Funds	—
TOTAL	$12,778,453
Judicial Qualification Commission & Disciplinary Board	
General Fund	$ 136,526
Special Funds	75,000*
TOTAL	$ 211,526



* *Special Funds received include federal grant funds, funds from the State Bar Association for disciplinary procedures, and funds from the ABA.*

Advisory Committees of the North Dakota Judicial System

To assist in its administrative supervision of the North Dakota Judicial System, the supreme court utilizes the services of several advisory committees. These committees address specific problem areas within their study jurisdiction and make recommendations on the resolution of these problems to the supreme court.

Four of these committees — the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee — were established by the Supreme Court in 1978 as an essential part of its rulemaking process (NDRPR). One of these committees, the Joint Procedure Committee, existed before the supreme court adopted its rulemaking process, but was incorporated into the advisory committee structure created by the supreme court rulemaking process.

Other committees of the judicial system include the Judicial Planning Committee, the Personnel Advisory Board, the Special Committee on Judicial Training, the North Dakota legal Counsel for Indigents Commission, and the Council of Presiding Judges. All of these committees contribute to the improvement of court services in North Dakota. Summaries of their activities during 1984 are provided below.

The Judicial Planning Committee

The Judicial Planning Committee is the forum for overall planning for judicial services in North Dakota. It is chaired by Justice Vernon Pederson and its membership includes representatives of presiding judges, attorneys, district judges, county judges, municipal judges, court support personnel and the public. The role of the Committee is to identify, describe and clarify problem areas which can be referred to judicial leaders and other standing committees for resolution.

As part of its planning process, the Committee prepares a Judicial Master Program for each biennium which sets the goals, objectives and tasks for the North Dakota judicial system during that biennium.

Much of the Committee's effort during 1984 was spent in preparing the **Judicial Master Program for the Biennium Ending June 30, 1987**. This Judicial Master Program was based on the local judicial district plans submitted to the Committee and the results of a questionnaire on court services in North Dakota sent to attorneys, judges, court personnel and representatives of the public. The planning process was coordinated with the budgeting process to establish priorities for the North Dakota Judicial System.

During 1984 the Committee also studied the development of a central trial court opinion and jury instruction bank at the University of North Dakota Law School, judicial system employee tenure recognition programs, alternative dispute resolution mechanisms, and consultation forums for state judges and federal judges. The Municipal Court Study Subcommittee chaired by Calvin Rolfson submitted its report entitled "Report and Recommendation of the Municipal Court Study Subcommittee of the Judicial Planning Committee of the North Dakota Judicial System (September 25, 1984)" and prepared implementing legislation for the 1985 Legislature.

The Joint Procedure Committee

The Joint Procedure Committee is composed of ten judges representing the judiciary and ten attorneys representing the State Bar Association of North Dakota. The Committee was chaired by Justice Paul M. Sand of the Supreme Court until his death in December and is currently chaired by Justice H.F. Gierke, III.

The Committee's duties include study, discussion, and revision of the procedural rules of North Dakota, including the Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Evidence, and other rules of pleading, practice, and procedure. Whenever appropriate, the Committee makes proposals to the Supreme Court to amend existing rules of procedure or to adopt new procedural rules.

The Committee met five times during 1984 to study a variety of procedural issues and problems brought to its attention.

Since publication of the 1984 Court Rules Manual, the Committee has studied and will be making recommendations to the Supreme Court for adoption of amendments to the following rules: Rules 4, 7, 11, 15, 16, 26, 30, 30.1, 31, 32, 52, and 67 of the North Dakota Rules of Civil Procedure; Rules 11, 30, 31, 32, 35, 37, and 46 of the North Dakota Rules of Criminal Procedure; Rules 4, 9, 10, 27, 28, 35, and 41 of the North Dakota Rules of Appellate Procedure; Rules 3.2, and 8.3 of the North Dakota Rules of Court. In addition, several explanatory notes will also be submitted to the Supreme Court for adoption. The Committee will be submitting these proposals to the North Dakota Supreme Court in 1985 with a recommendation that they be adopted.

The Attorney Standards Committee

The Attorney Standards Committee studies and reviews all rules relating to attorney supervision. Malcolm Brown of Mandan is the chairman of the Committee.

In 1983 the Committee initiated a major subcommittee study of the American Bar Association Model Rules of Professional Conduct in cooperation with the State Bar Association of North Dakota and the North Dakota Trial Lawyers Association. The study continued through 1984 and is scheduled for completion in 1986. In addition, during 1984 the Committee also initiated a subcommittee study of the lawyer discipline process in North Dakota based on an evaluation of the process by the American Bar Association completed in late 1983.

During 1984, a subcommittee studied the potential conflicts created by the administration of indigent defense and prosecution witness funds by the judiciary. In late 1984 the subcommittee completed its study and the full Committee recommended to the Supreme Court that the administration of indigent defense funds remain with the judiciary as the Committee was unable to arrive at a practical alternative and that the administration of prosecution witness funds be transferred to the Attorney General's Office to eliminate the separation of powers problem inherent with the judiciary's continued administration of prosecution witness funds. The Supreme Court declined to support the Committee's recommendation to transfer the administration of prosecution witness funds, after the Attorney General indicated that he would not support the transfer due to strong opposition by States Attorneys.

In 1984 the Supreme Court adopted a modified version of a proposal by the State Bar Association of North Dakota which would have allowed the Board of Governors of the State Bar Association to appoint one-third of the membership of the Attorney Standards Committee. The modified proposal adopted by the Supreme Court was recommended by the Attorney Standards Committee and only allows the Board of Governor to nominate one-third of the Committee's membership. The proposal also allows the Board of Governors to appoint one liaison member to each of the four advisory committees of the Supreme Court.

The Judiciary Standards Committee

The Judiciary Standards Committee, chaired by Jane Heinley of Fargo, studies rules of judicial discipline, judicial ethics, the judicial nominating process, and all other rules relating to supervision of the judiciary.

In 1984 the Supreme Court approved the Committee's recommendation to consolidate the regulations regarding cameras in the courtroom contained in both the Rules of Judicial Conduct and Administrative Order 1A-1980 by incorporating those provisions

into Administrative Rule 21. The Committee also reviewed the administrative responsibility of judges regarding their obligation to notify the Disciplinary Board of unprofessional conduct and incompetence of lawyers and in conjunction with the review studied the need for a rule which would permit judges to ban incompetent attorneys from their courtroom. The Committee decided that the current disciplinary procedures and rules governing incompetent acts of lawyers already adequately addressed the issue.

Other topics studied by the Committee in 1984 included a study of the judicial disciplinary procedures of the Judicial Qualifications Committee, a study of the need for a judicial advisory service in North Dakota to assist judges in interpreting the Rules of Judicial Conduct, and a study of the need to establish a pattern jury instruction commission within the judiciary which would shift the responsibility for the currency of pattern jury instructions from the State Bar Association to the North Dakota judicial system. All three of these projects are expected to be completed in 1985.

The Court Services Administration Committee

The Court Services Administration Committee studies and reviews all rules and orders relating to the administrative supervision of the North Dakota Judicial System. It is chaired by William A. Strutz of Bismarck.

During 1984 the Committee addressed procedures for court appeals from local government agencies which are not included in the Administration Agencies Practice Act, an administrative rule establishing the Council of Presiding Judges (AR-22), amendments to the Docket Currency Standards (AR-12) regarding administrative agency decision review cases, and clarification of the change of judge authority of Presiding Judges and the Chief Justice (AR-2).

Through the Future Appellate Court Services Study Subcommittee, chaired by Representative William Kretschmar, the Committee reviewed the report regarding the future of appellate court services in North Dakota entitled "Report and Recommendation of the Future Appellate Court Services Study Subcommittee of the Court Services Administration Committee (January 7, 1985)".

Through the Family Caselaw Referee Study Subcommittee, chaired by Judge William Neumann, the Committee initiated study of the role of judicial referees within the North Dakota Judicial System.

Through the County Court and Clerk of District Court Funding Study Subcommittee, chaired by Judge Jonal Uglem, the Committee initiated study of future funding of county court services and clerk of district court services.

Through the Records Management Study Subcommittee, chaired by Ted Gladden, the Committee initiated a study of trial court records management improvements and revisions of district court and county court fee schedules.

Personnel Advisory Board

The Personnel Advisory Board was first created by the Supreme Court on January 21, 1982 and reconstituted by the Supreme Court on July 27, 1984. As reconstituted, the Board consists of the state court administrator, three district court employees, and three supreme court employees. The state court administrator is an ex officio member of the Board while the other six employees are appointed to the Board by the Chief Justice. The Chief Justice also designates the chairperson of the Board from among its membership. Previously, the Board had been a five member advisory body composed of a Supreme Court judge, a district court judge and three district court employees.

The Board serves only as an advisory body to the Chief Justice and the Supreme Court; it has no independent decisionmaking authority. In this capacity the Board has two primary functions:

1) to develop personnel policies for the North Dakota judicial system; and
2) To serve as a review board for employee grievances, reclassification requests, and other personnel matters.

Other personnel related duties and responsibilities may also be assigned to the Board by the Chief Justice or the Supreme Court.

During 1984 the Board recommended and the Supreme Court approved a revision of the judicial system's personnel policy on employee compensation and the upgrading of the pay scale for referees. The Board also initiated a study of trial court administrator positions and the need for a policy outlining the judicial systems commitment to employees who are sued for actions arising out of their employment with the judicial system. Four reclassification reviews were also conducted during 1984. In two cases the Board recommended that the request be granted. The Chief Justice followed the Board's recommendations in all four cases.

Other issues discussed by the Board during 1984 were the need for a dismissal policy, revision of statutes which conflicted with personnel policies of the judicial system, and the development of staffing standards for the district courts.

Special Committee on Judicial Training

The Judicial Council Special Committee on Judicial Training is responsible for providing seminars and other educational tools which meet the professional needs of judges and court personnel of the North Dakota Judicial System. The programs developed and sponsored by the Judicial Training Committee have two major purposes:

1) To assist judges and court personnel in the development and sharpening of those skills which are essential for the jobs; and
2) To help judges and court personnel keep abreast of new developments in the law and their respective fields of expertise.

In addition to its program development function, the committee also sets priorities for out-of-state training, reviews training manuals, establishes policy guidelines for judicial training, and recommends a biennial training budget for the judicial system. The committee is chaired by Judge Larry Hatch, a district court judge in the South Central Judicial District.

During 1984 the Committee developed and sponsored eleven instate educational programs. These programs were attended by 521 judges and court personnel of the North Dakota judicial system. One of these programs, the annual Bench Bar Seminar, was jointly sponsored by the Judicial Training Committee and the State Bar Association of North Dakota. This program offered a unique opportunity for judges and attorneys to learn together and from one another in an educational setting conducive to mutual interaction.

The Judicial Training Committee established a priority system for allocating out-of-state training funds among district court judges and court personnel during 1984. It also proposed a training budget for the 1985-87 biennium for consideration by the Supreme Court. To assist it in planning for future training programs for judges and court personnel, the Committee also conducted a survey of training needs of judges and court personnel throughout the judicial system. Consideration was also given to the Committee's future role as a Committee of the Judicial Council.

During the later part of 1984 the Committee endorsed the establishment of a Municipal Judges' Institute to provide more comprehensive training for lay municipal judges. The institute will be conducted under the auspices of the Judicial Training Committee with the cooperation of the University of North Dakota School of Law.

The North Dakota Legal Counsel for Indigents Commission

The North Dakota Legal Council for Indigents Commission is composed of seven members who are nominated by the North Dakota Association of Counties, the chief presiding district court judge, the Board of Governors of the State Bar Association and the Attorney General and then appointed by the Chief Justice. Bruce Bohlman of Grand Forks is the chairman of the Commission.

The Commission provides rules and guidelines for the administration of indigent defense services in North Dakota. It provides a mechanism for the resolution of counsel fee disputes between judges and court appointed attorneys or contract attorneys who are representing indigent defendants in criminal, mental health, and juvenile cases. In 1984 the Commission issued its first opinion

resolving an indigent defense contract fee dispute. The Commission also provices technical assistance concerning indigent defense services to judicial districts and counties.

The funds appropriated by the Legislature for indigent defense services in the district courts of North Dakota are administered by each of the seven judicial districts through the Office of the State Court Administrator. However, because of conflict of interest concerns arising from vesting the funding for indigent defense and prosecution witness services in the judicial system budget, the Commission assisted the Attorney Standards Committee in its study of alternate ways of administering indigent defense and prosecution witness funds.

In 1984 the Commission developed, in cooperation with the North Dakota States Attorneys Association, a method for improving reimbursement procedures for indigent defense expenditures in appropriate cases through private collection agencies. The Commission adopted a model contract for use by state's attorneys and private collection agencies to aid in this reimbursement process. A pilot project was commenced in Burleigh County in July of 1984. The Commission also published the **North Dakota Judicial System Indigent Defense Service Contracts** in 1984. The report contains copies of the indigent defense contracts in effect throughout 1984 and provides information on the coverage of the contracts. 1984 was also the year in which the first municipal indigent defense service contract was awarded in North Dakota by the City of Bismarck. The Commission also began working with the Office of the State Court Administrator to develop a routine statistical report on the state funding and indigent defense service to aid the Commission in monitoring indigent defense expenditures. The report will break down the expenditures for indigent defense into average expenditures per case for attorney fees, attorney expenses and defense witness fees and expenses.

Other topics studied by the Commission in 1984 included a study of the need for the development of a screening procedure which would limit the number of frivolous criminal appeals being filed with the Supreme Court, a study of the need for guidelines which would require continued representation by privately retained counsel after a defendant becomes indigent in criminal proceedings, and the initiation of a study of the need for state funding of noncriminal legal services for indigents.

The Council of Presiding Judges

The Council of Presiding Judges consists of the presiding judge of each of the seven judicial districts with the chairman being named by the Chief Justice. Present members of the Council are: The Honorable Douglas B. Heen, Chief Presiding Judge; The Honorable A.C. Bakken; The Honorable Norman J. Backes; The Honorable Benny A. Graff; The Honorable Maurice R. Hunke; The Honorable Wallace D. Berning.

The role of the Council of Presiding Judges centers primarily in the area of budgets and caseloads with the responsibility for ensuring that the business of the courts is handled with dispatch and efficiency. The Council meets on call of the chairman. In attendance at each meeting is the Chief Justice and the State Court Administrator. The State Court Administrator's staff acts as staff to the Council.

In 1984, The Council of Presiding Judges met four times. At each meeting there was a review of the district court budgets as they relate to the legislative appropriation and the various program areas within the district courts. As 1984 marked the midpoint of a biennium, there was a need for the Council of Presiding Judges to consider carefully the proposed district court budgets for the coming biennium.

Some of the other major issues that came before the Presiding Judges in 1984 were the matters of merit increases for district court employees, proposed policies on employee compensation, court reporter supplies, ABA dues, and administration of indigent defense council contracts between districts.

Disciplinary Board

The Disciplinary Board of the Supreme Court has responsibility for handling complaints alleging unethical conduct by North Dakota attorneys.

These are seven lawyer and three non-lawyer members of the Board. The members of the Board are as follows: Robert Vaaler, Grand Forks, Chair; Jon M. Arntson, Vice Chair; Sandi Lang Frenzel, Dickinson; Dann E. Greenwood, Dickinson; Carlan J. Kraft, Rugby; Ann McLean, Hillsboro; Ruth Meiers, Ross; David L. Peterson, Bismarck; Mark L. Stenehjem, Williston; James A. Wright, Jamestown. Luella Dunn, Clerk of the Supreme Court, serves as the ex-officio secretary for the Board. Disciplinary counsel is Vivian E. Berg.

Complaints against attorneys are docketed by the Board's secretary and forwarded to the Board and either to the chair of Inquiry Committee East or the chair of the Inquiry Committee West of the State Bar Association. An investigation is then conducted by either a member of the respective committees or disciplinary counsel. All parties to a complaint have the right to appear before the Inquiry Committee.

The Inquiry Committee may dismiss or may recommend discipline to the Disciplinary Board. The Board may also dismiss, or it may issue a private reprimand, in which event the attorney may request a formal hearing. If the Disciplinary Board recommends a public reprimand, suspension, or disbarment, the matter proceeds much as a civil case. It is heard generally by a three-member hearing panel, although it may be set before a hearing officer or the Board en banc.

A hearing panel may also dismiss or refer to the Disciplinary Board for a private reprimand. If a greater sanction is recommended, the matter is presented to the Supreme Court with briefs and oral argument. Review is de novo on the record and the standard of proof for the Disciplinary Board is clear and convincing evidence.

In 1983 the Disciplinary Board received a grant from ALI ABA for a Peer Assistance Commission, and it is expected that this grant will be continued.

A joint committee of the Attorney Standards Committee and the Disciplinary Board is currently studying the North Dakota Rules of Disciplinary Procedure in light of an evaluation conducted through the Standing Committee on Professional Discipline of the American Bar Association.

Following is a summary of complaints handled by the Disciplinary Board in 1984.

SUMMARY OF COMPLAINTS FOR THE YEAR 1984

New Complaints filed for the year 1984 113

General nature of new complaints filed:

Client funds and property	10
Conflict of Interest	8
Criminal conviction	3
Excessive fees	10
Failure to communicate with client	12
Failure to communicate with disep. agency	1
Failure to protect client relationship	3
Improper conduct	37
Incompetent representation	17
Neglect – delay	9
Unauthorized practice of law	3
TOTAL	113

Disciplinary proceedings pending from prior years 10

Complaints carried over from previous year 28

Total complaints for consideration 151

Disposition of Complaints:

Dismissed by Inquiry Committee	76
Dismissed by Disciplinary Board	2
*Dismissed by Board w referral to Peer Assistance	3
Private reprimands issued	5
Private reprimand w referral to Peer Assistance	1
Public reprimand issued	1
**Disability Petition dismissed – Interim Suspension	4
Interim Suspension	1
***Suspension	6
****Disbarment	3
Disciplinary proceedings instituted and pending	12
Complaints pending 12 31 84	37
TOTAL	151

* Three separate complaints against one individual resulted in recommendation for dismissal with referral to Peer Assistance Commission.

** Disability Petition dismissed, interim suspension entered and formal proceedings continued against one attorney resulting from four separate complaints.

*** Two individuals were suspended, one of whom as the result of five separate complaints.

**** Three separate complaints against one individual resulted in disbarment.

Judicial Qualifications Commission

The Judicial Qualifications Commission was established by the legislature in 1975 with the enactment of Chapter 27-23 of the North Dakota Century Code. It was empowered to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal, or retirement of any judge.

The seven members of the Commission include one district judge, one county judge, one attorney, and four citizen members. Members of the Commission are Louise Sherman, Dickinson, Chair; Ernest Pyle, West Fargo, Vice Chair; Arnie Braaten, Minot; Norene Bunker, Fargo; Honorable Gary A. Holum, Minot; Honorable William A. Neumann, Rugby; and Fred E. Whisenand, Williston. The Clerk of the Supreme Court, Luella Dunn, is ex-officio secretary for the Commission. Staff counsel is Vivian E. Berg.

Complaints against judges are filed by the Commission's secretary, who acknowledges their receipt and forwards them to staff counsel for investigation. The judge against whom the complaint is filed is given notice and provided an opportunity to present such matters as he or she may choose.

By far the majority of complaints are dismissed as being without merit. However, the Commission may issue a private censure or direct that formal proceedings be instituted. If formal proceedings are instituted, the matter may be heard by the Commission or by a master or masters appointed by the Supreme Court.

The Judiciary Standards Committee is currently studying the Rules of the Judicial Qualifications Commission.

The following table, summarizing the nature and disposition of complaints in 1984, suggests that many complaints reflect matters properly the subject of appellate review.

SUMMARY OF COMPLAINTS FOR THE YEAR 1984

New Complaints filed for 1984	26
General nature of new complaints filed:	
Failure to comply with the law	13
Improper conduct	4
Biased decision	3
Delay in rendering a decision	5
Failure to afford complainant due process	1
TOTAL	26
Formal proceedings pending from prior years	1
Complaints carried over from previous year	5
Total complaints for consideration	32
Disposition of Complaints:	
Dismissed	13
Complaint withdrawn	1
Public censure	1
Private censure	3
Formal proceedings Instituted	2
Complaints Pending 12 31 84	12
TOTAL	32

Of the 26 complaints filed in 1984:

11 were against county judges
5 were against small claims court judges
2 were against district court judges
8 were against municipal judges

The State Bar Board

The North Dakota State Bar Board, created in 1919, is a three-member board appointed by the Supreme Court to serve terms of six years. Presently serving as President is John D. Kelly of Fargo, and members Malcolm H. Brown of Mandan and Gerald D. Galloway of Dickinson. By statute, the Clerk of the Supreme Court, Luella Dunn, is designated ex-officio secretary-treasurer of the Board. The administration of the examination, preservation of records and issuance of licenses are done by the ex-officio secretary-treasurer.

The Board is charged with the responsibility of examining applicants for admission to the Bar of North Dakota as to their legal ability and character and fitness to practice law. Another duty conferred upon the Board by statute is the annual licensing of attorneys. A lawyer suspended or disbarred by Supreme Court order is not eligible for licensure. In 1984, there were 1,425 attorneys licensed to practice law in North Dakota compared with 1,355 the previous year.

Statistics for the 1983 and 1984 bar examinations were as follows:

	# Applicants	# Successful / % Successful	# UND Grads.	# Successful / % Successful
2-83 exam	25	19 / 76%	12	11 / 91%
7-83	110	92 / 83%	79	69 / 87%
2-84	21	17 / 80%	11	11 / 100%
7-84	90	84 / 93%	65	61 / 93%

North Dakota utilizes the multistate bar examination. It covers six subjects: constitutional law, contracts, criminal law, evidence, torts and real property. Essay exams are given in six other subjects. Two examinations are offered each year.

One hundred and ten applicants were admitted to the Bar of North Dakota in 1984. Ten attorneys were admitted on motion, having been admitted and practiced law in another state for five years or more and who met the requirement of having received 45 hours of Continuing Legal Education credits approved or approvable in North Dakota during the three years immediately preceding application for admission.

Judicial Council

The North Dakota Judicial Council was established as an arm of the judicial branch of state government in 1927. Present statutory language governing the Judicial Council is found in Chapter 27-15, NDCC.

There are currently 74 members of the Judicial Council. Of these, the dean of the School of Law at the University of North Dakota, the attorney general, and all supreme court justices, district court judges, and county court judges are ex officio members of the Council. In addition, all retired supreme court justices and district court judges are Council members. The non-ex officio members of the Council include five members of the practicing bar appointed by the Board of Governors of the State Bar Association of North Dakota and two municipal judges appointed by the North Dakota Supreme Court.

All non-*ex officio* Council members serve for two year terms while retired supreme court and district court judges are members for the duration of their retirement. Vacancies on the Judicial Council are filled by the authority originally selecting the member.

The chief justice of the North Dakota Supreme Court serves as chairman and the State Court Administrator as executive secretary of the Judicial Council. Under North Dakota law the Judicial Council is required to meet twice a year. These meetings are usually held in June and November. Special meetings, however, may be called by the chairman. While members of the Judicial Council are not compensated for their services, they are reimbursed for expenses incurred in the discharge of their Council duties.

The Judicial Council is authorized by statute to make a continuous study of the judicial system of the state to improve the administration of justice. To fulfill this function it has the authority to hold public hearings, subpoena witnesses and materials, and enforce obedience to its subpoenas. It may recommend improvements in the judicial system to the governor or Legislature and make recommendations regarding rules of practice and procedure to the office of management and budget.

In 1983 the Council also created a special committee to study its future role in the judicial system. Judge William Neumann of Rugby was appointed to chair the committee. The special committee submitted its report and recommendations to the Judicial Council in 1984. The Council approved the report which recommends that the name of the Council be changed to the Judicial Conference. The reorganization of the Council is currently dependent on legislative action by the 1985 Legislative Assembly on a bill introduced on behalf of the Council which would repeal Chapter 27-15, NDCC and enact a new chapter creating the Judicial Conference.

Membership of the North Dakota Judicial Council

JUSTICES OF THE SUPREME COURT

Ralph J. Erickstad, Chief Justice, Bismarck
Vernon R. Pederson, Justice, Bismarck
Paul M. Sand, Justice, Bismarck
Gerald W. VandeWalle, Justice, Bismarck
H.F. Gierke III, Justice, Bismarck

JUDGES OF THE DISTRICT COURTS

NORTHWEST JUDICIAL DISTRICT

*Wallace D. Berning, Minot
Everett Nels Olson, Minot
Jon R. Kerian, Minot
Wm. M. Beede, Williston
Bert L. Wilson, Williston

NORTHEAST JUDICIAL DISTRICT

*Douglas B. Heen, Devils Lake
James H. O'Keefe, Grafton
Wm. A. Neumann, Rugby

NORTHEAST CENTRAL JUDICIAL DISTRICT

*A. C. Bakken, Grand Forks
Kirk Smith, Grand Forks
Joel D. Medd, Grand Forks

EAST CENTRAL JUDICIAL DISTRICT

*Norman J. Backes, Fargo
John O. Garaas, Fargo
Lawrence A. Leclerc, Fargo
Michael O. McGuire, Fargo

SOUTHEAST JUDICIAL DISTRICT

*Robert L. Eckert, Wahpeton
Gordon O. Hoberg, Jamestown
John T. Paulson, Valley City

SOUTH CENTRAL JUDICIAL DISTRICT

*Benny A. Graff, Bismarck
Gerald G. Glaser, Bismarck
Dennis A. Schneider, Bismarck
Wm. F. Hodny, Mandan
Larry M. Hatch, Linton

SOUTHWEST JUDICIAL DISTRICT

*Maurice R. Hunke, Dickinson
Lyle G. Stuart, Hettinger
Allan L. Schmalenberger, Dickinson

JUDGES OF THE COUNTY COURTS

James M. Bekken, New Rockford
Ralph W. Bekken, Stanley
A.S. Benson, Bottineau
Tom M. Beyer, Dickinson
C. James Cieminski, Valley City
Donald Cooke, Fargo
Ronald M. Dosch, Devils Lake
Donavin L. Grenz, Linton
F. Gene Gruber, Hettinger
Harold B. Herseth, Jamestown
Gary A. Holum, Minot
Donald Jorgenson, Dickinson
Frank J. Kosanda, Grand Forks
Bayard Lewis, Wahpeton
John C. McClintock, Rugby
Wm. W. McLees, Jr., Watford City
Thomas Metelmann, Cavalier
Gary D. Neuharth, Ellendale
Burt L. Riskedahl, Bismarck
Cynthia Rothe, Fargo
Lester Schirado, Mandan
Orville A. Schulz, Washburn
Gordon Thompson, Williston
Lowell O. Tjon, Lisbon
Jonal Holt Uglem, Hillsboro
Theodore Weisenburger, Grafton

JUDGES OF THE MUNICIPAL COURTS

Robert Brown, Mayville
Daniel Buchanan, Jamestown

ATTORNEY GENERAL

Robert O. Wefald, Bismarck

UND SCHOOL OF LAW

Jeremy Davis, Dean, Grand Forks

MEMBERS OF THE BAR

J. Phillip Johnson, Fargo
Patrick J. Maddock, Grand Forks
Walfrid, B. Hankla, Minot
Charles A. Feste, Fargo
Paul G. Kloster, Dickinson

RETIRED JUDGES OF THE SUPREME AND DISTRICT COURTS

Hamilton E. Englert, Valley City
C. F. Kelsch, Mandan
Roy A. Ilvedson, Minot
Eugene A. Burdick, Williston
M.C. Fredricks, Jamestown
Wm. L. Paulson, Detroit Lakes, MN
Wallace E. Warner, Green Valley, AZ
Norbert J. Muggli, Dickinson

EXECUTIVE SECRETARY

William G. Bohn

**Denotes Presiding Judge*

With special appreciation for their cooperation in the preparation of this document:

Presiding Judge Norman J. Backes
Presiding Judge A.C. Bakken
Presiding Judge Douglas B. Heen
Presiding Judge Wallace D. Berning
Presiding Judge Benny A. Graff
Presiding Judge Robert L. Eckert
Presiding Judge Maurice R. Hunke

Vivian Berg
Kathy DeLang
Luella Dunn
Jo Eckroth
Carroll Edmondson
Arnold Fleck
Catherine Fox
Ted Gladden
Jim Harris
Carla Kolling
Ardean Ouellette
Richard D. Sletten
Mary Lou Splonskowski
Jana Thielges
Pat Thompson
Greg Wallace